

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1239 of 2024

Arising Out of PS. Case No.-301 Year-2022 Thana- MADHUBAN District- East Champaran

NAWIN SINGH S/O- LATE RAMADHAR SINGH R/O- VILLAGE-
KAURIYA, P.S.- MADHWAN, DIST.- EAST CHAMPARAN.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR, PATNA
2. GAYATRI DEVI W/O- SHREE PASWAN R/O- VILLAGE- KAURIYA,
P.S.- MADHWAN, DIST.- EAST CHAMPARAN.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anil Kumar
For the Resp No. 2	:	Mr. Baidya Nath Thakur
For the Respondent/s	:	Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 10-04-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as learned Special
Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail vide
order dated 12.06.2023 passed by the learned Special Judge,
SC/ST (POA) Act, East Champaran in Trial No. 01 of 2023
arising out of Madhuban P.S. Case No. 301 of 2022 dated
11.07.2022 registered for the offence/s punishable u/ss 341, 323,
324, 447, 448, 302, 504, 506 read with section 34 of the IPC
sections 3(2)(V)(A) of the SC/ST (POA) Act.



3. As per the prosecution case, while the son of the informant, namely, Ranjay Kumar was brushing, the accused Niraj Singh, Navin Singh (the appellant) and Kameshwar Singh came there and forcing him to compromise SC/ST Case No. 105 of 2013, lodged by his maternal aunt and threatened him of dire consequences. It is further alleged that Niraj Singh with dab, Navin Singh (the appellant) with fasuli and the co-accused Kameshwar Singh have assaulted him with knife due to which he succumbed to the injuries.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section of the SC/ST Act. There is general and omnibus allegation against the appellant. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 19.07.2022. Similarly situated co-accused has already been granted bail by this Court vide order dated 04.01.2024 passed in Cr. Appeal (SJ) No. 2251 of 2023.



5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant. It is further submitted that during the course of the investigation, the statement of the independent witness, namely, Ramadhar Singh was recorded in para 42 of the case diary, in which it has come that the appellant Navin Singh has assaulted on the neck of the deceased with fasuli. As per the postmortem report, a chop wound was found on the neck of the deceased caused by sharp weapon.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 12.06.2023 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran in Trial No. 01 of 2023 arising out of Madhuban P.S. Case No. 301 of 2022 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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