

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.955 of 2025

Arising Out of PS. Case No.-160 Year-2024 Thana- IMAMGANJ District- Gaya

Santan Das Son of Sonu Das Village -Kesandha PS -Imamganj, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Jitani Devi Wife of Late Rajesh Bhuiyan Village -Kesandha PS -Imamganj, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md. Javed Jafar Khan, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 29-08-2025 Heard learned counsel for the appellant, learned counsel for the informant and learned Spl. P.P. 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 of bail of the appellant vide order dated 27.11.2024 passed by the learned Exclusive Special Judge SC/ST Act, Gaya in B.P. No. 3250/2024 arising out of Imamganj P.S. Case No. 160 of 2024 dated 22.05.2024 registered for the alleged offences punishable under Sections 302, 201, 120B read with Section 34 of the Indian Penal Code and and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.



3. As per the prosecution case, on 21.08.2024, the informant alleged that her husband namely, Rajesh Sao along with the appellant was present near Primary School, meanwhile a white colour car came in which 4 persons were sitting. This fact was told by the appellant in which three accused persons namely, Wakeel Singh, Sanjay Singh and Nikhil Singh (driver) were identified. On 22.05.2024, in the morning, the appellant told the informant that the dead body of her husband was lying near the overbridge. The informant further gave fardbeyan that she had taken loan of Rs. 20,000/- from Krishna Singh which she had paid with interest Rs. 45,000/-. However, the co-accused, Krishna Singh was demanding Rs. 1,50,000/- and was threatening to lock her house if the money was not paid. The informant further alleged that the co-accused, Krishna Singh, Wakeel Singh, Ranjay Singh, Pintu Singh and Nikhil Singh have committed murder of her husband under conspiracy.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The appellant is not named in the F.I.R. The name of the appellant has surfaced in this case during the course of investigation. The appellant has been made accused in this case merely on suspicion. It is further submitted that there is no



allegation of abusing against the appellant and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant is in custody since 05.09.2024. The appellant has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellant and submitted that the appellant and co-accused persons have committed murder of the informant's husband under a conspiracy which is evident from the para 62, 63 and 81 of the case diary. It is further submitted that the allegation against the appellant is of taking away the informant's husband and thereafter, the appellant had told the place of occurrence where the dead body was lying and told the facts of the presence of the other accused soon before the death of the informant's husband and this fact is also evident from the statement of the informant in para 84 of the case diary. Learned counsel has further submitted that the appellant was last seen alive with the deceased and it is a case of last seen theory. It is further submitted that as per para 98 of the case diary, from the CDR analysis, it is evident that the mobiles of the appellant and the deceased were present together in the same



tower location. From all these facts as stated above are serious indicating the involvement of the appellant in the alleged crime.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 27.11.2024 passed by the learned Exclusive Special Judge SC/ST Act, Gaya in B.P. No. 3250/2024 arising out of Imamganj P.S. Case No. 160 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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