

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1143 of 2025

Arising Out of PS. Case No.-87 Year-2023 Thana- MALI District- Aurangabad

Sushil Kumar @ Sushil Singh @ Sushil Kumar Singh S/o Ramadhar Singh
R/O Village- Tona, P.S- Mali, Distt.- Aurangabad.

... .. Appellant

Versus

1. The State of Bihar.
2. Saraswati Devi W/o Late Vinay Prasad, Resident Of Village- Sinduria Tola,
Goti Dih, PS- Mali, District- Aurangabad.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Rahul Kumar Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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

ORAL ORDER

4 10-07-2025 Heard learned counsel for the appellant, learned
counsel for the informant and the learned Special Public
Prosecutor appearing on behalf of 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 15.01.2025 passed by the learned Special Judge,
SC/ST (PoA) Act-cum-1st District and Additional Sessions
Judge, Aurangabad in R.B.A. No. 1199 of 2024, arising out of
Mali P.S. Case No. 87 of 2023 dated 08.09.2023 registered for
the offences punishable under Sections 341, 323, 324, 302 / 34
of the Indian Penal Code and under Sections 3(i)(r)(s) and 3(2)



(v) of the SC/ST (PoA) Act.

3. Earlier, the appellant has moved before this Court for grant of regular bail which was rejected *vide* order dated 01.08.2024 passed in Cr. App (SJ) No. 928 of 2024.

4. As per the prosecution case, the informant alleges that while her husband was irrigating his field in the meantime, the appellant along with other co-accused persons forbade him to do the same and abused him by calling his caste name. When the informant requested them to allow him to irrigate his land, the co-accused Ramadhar Singh and Ankush Kumar caught hold of him and the appellant, Sushil Singh killed the informant's husband by slitting his neck with a knife. Further, the informant and his son were also present at their field when the accused persons assaulted them due to which they fled away.

5. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in the present 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 SC/ST Act. The informant and



her son have not stated anything adverse against the appellant in their depositions. The informant has also stated in her deposition that she has no enmity with the appellant and when she reached the place of occurrence, there was no one present there. The appellant has two criminal antecedent as stated in para no. 3 of the bail petition. The appellant is in custody since 15.09.2023.

6. Learned counsel for the informant as well as learned Special Public Prosecutor for the State has vehemently opposed the bail petition of the appellant.

7. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 15.01.2025 passed by learned Special Judge, SC/ST (PoA) Act-cum-1st District and Additional Sessions Judge, Aurangabad in connection with Mali P.S. Case No. 87 of 2023, is set aside against the appellant. The criminal appeal is allowed.

8. Accordingly, the above-named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty-thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (PoA) Act-cum-1st District and Additional Sessions Judge, Aurangabad in connection with Mali P.S. Case



No. 87 of 2023, on further condition:

(i) The appellant is directed to remain physically present before the learned trial Court on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the appellant is liable to be cancelled.

(Chandra Prakash Singh, J)

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