

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1064 of 2025

Arising Out of PS. Case No.-434 Year-2024 Thana- PUPRI District- Sitamarhi

Santosh Thakur @ Santosh Kumar Son of Late Ram Vriksh Thakur @ Late Ram Briksh Thakur, R/o village - Pupri Gaon, P.S. - Pupri, Dist. - Sitamarhi.

... .. Appellant

Versus

1. The State of Bihar.
2. Rani Devi Wife of Shravan Paswan, R/o village - Pupri Gaon, Ward no. 5 P.S. - Pupri, Dist. - Sitamarhi.

... .. Respondents

Appearance :

For the Appellant : Mr. Santosh Kumar, Advocate
For the Respondents : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 01-05-2025 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 14.02.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Sitamarhi in connection with Pupri P.S. Case No. 434 of 2024 dated 14.10.2024 registered for the offences punishable under Section 103 read with Section 3(5) of the B.N.S. and under Section 3(2) (v) of the SC/ST (PoA) Act.



3. As per the prosecution case, the appellant and FIR named co-accused persons told the informant's son to carry illicit liquor to which he refused. It is further alleged that co-accused Raja Das along with other co-accused persons came at the house of informant at night and asked the whereabouts of her son to which she replied that he had gone towards Bhulan Chowk and afterwards, her son did not return home. It is further alleged that on the next day, the informant received information from the villagers that a dead body was lying in a bush near Rewali line, ten steps ahead of Brahma Asthan, which the informant identified as her son.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in the present case due to ulterior motive. He has next submitted that there is no specific allegation of any assault or overt act attributed against the appellant, rather there is general and omnibus allegation attributed against all the co-accused persons including the appellant. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence, hence no case is made out under SC/ST Act. The appellant has clean antecedent as stated in paragraph no. 3 of the bail petition. The appellant is in custody since 15.10.2024.



5. Learned counsel for the informant as well as learned Special Public Prosecutor for the State on the basis of materials available on record and case diary has vehemently opposed the bail petition of the appellant and submitted that it has come in the paragraph no. 30 of the case diary that on the night of 13.10.2024, the appellant and other co-accused persons along with the deceased were going towards *Brahma Asthan*, from where the dead body of the deceased was recovered next day.

6. 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 14.02.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Sitamarhi, in connection with Pupri P.S. Case No. 434 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Sitamarhi in connection with **Pupri P.S. Case No. 434 of 2024**, 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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