

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1162 of 2025

Arising Out of PS. Case No.-21 Year-2024 Thana- Karvandiya District- Rohtas

Manjay Kumar S/O Shiv Kumar @ Shiv Kumar Singh Resident of Village-
Tetariya, P.S- Udwant Nagar, Distt.- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Muskan Kumari D/O Krishna Nat R/O Village- Vishrampur, Tola, P.S-
Sasaram (M), Distt.- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sadanand Roy, Adv.
For the informant	:	Mr. Rajnikant Singh, Adv.
For the State	:	Mr.Binay Krishna, Spl.PP

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

ORAL ORDER

4 24-07-2025 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 for bail of
the appellant vide order dated 04.02.2025 passed by the learned
Additional District & Sessions Judge-XVII-cum-Special Judge
(SC/ST Act), Sasaram in connection with Karbandiya P.S. Case
No. 21 of 2024 dated 01.10.2024 registered for the alleged
offences punishable under Sections 103(1) read with Section
3(5) of the B.N.S. and Sections 3(2)(v) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act.



3. As per prosecution case, on 30.09.2024, the informant got information that her younger sister Arti Devi aged about 21 years was admitted in Narayan Medical College and Hospital in injured condition then she along with her relative reached there. The informant came to know that her sister was lying in injured condition in village Jamuar beside the road from where one person brought her and got admitted in the hospital. During the course of treatment, the informant's sister succumbed to the injury. It is further alleged that the informant's sister was brought by one Aditya Singh from her house on the pretext of giving mobile phone and she had love affair with the co-accused, Aditya Singh so the co-accused, Aditya Singh is suspected in this case.

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 sprung up in the confessional statement of the co-accused, Aditya Singh. No incriminating material has been recovered from the possession of the appellant. There was love affair between the deceased and the co-accused, Aditya Singh and the appellant has no concern with the alleged offence. It is further submitted that there is no allegation of caste based abuse and hence, no offence under provisions of SC/ST Act is made out against the appellant. The



appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 09.10.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant and submitted that para no. 34 of the case diary, the call details report, the location of mobile phone towers of the appellant, the deceased as well as the co-accused, Aditya singh was same on the date of occurrence. Learned counsel has further submitted that as para 85 of the case diary, on 30.09.2024, when the deceased was murdered then the appellant, the co-accused Aditya Singh and the deceased were on the same motorcycle.

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 04.02.2025 passed by the learned Additional District & Sessions Judge-XVII-cum-Special Judge (SC/ST Act), Sasaram in connection with Karbandiya P.S. Case No. 21 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) with two sureties of the like amount each to the satisfaction of the learned Additional District &



Sessions Judge-XVII-cum-Special Judge (SC/ST Act), Sasaram
in connection with Karbandiya P.S. Case No. 21 of 2024 with
the condition :-

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

(Chandra Prakash Singh, J)

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