

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1156 of 2025

Arising Out of PS. Case No.-148 Year-2024 Thana- GWALPARA District- Madhepura

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Anil Kumar Bharti Son of Suresh Rajak (wrongly mentioned as 31 years),
Resident of Village - Phulwariya Tola Shahapur Ward No.13, P.S. - Gwalpara,
District - Madhepura

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Shobha Kumari Wife of Binod Kumar (Informant/deceased) Resident of
Village - Phulwariya, Ward No.13, P.S. - Gwalpara, District - Madhepura

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Barun Kumar Singh, Adv
For the informant	:	Mr. Pawan Kumar, Adv.
For the State	:	Mr.Binay Krishna, Spl.PP

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

ORAL ORDER

3 15-05-2025 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 14.02.2025 passed by the learned
1st Additional District & Sessions Judge-cum-Special Judge, SC/ST
(PoA) Act, Madhepura in Gwalpara P.S. Case No. 148 of 2024
dated 08.09.2023 registered for the alleged offences punishable
under Sections 126, 127(2), 103(1), 109 read with Section 3(5)
of the B.N.S. and Section 27 of the Arms Act and Section 3(2)



(v) of the Scheduled Castes and Scheduled Tribes (PoA) Act.

3. As per the prosecution case, on 05.08.2024 at 9.15 A.M. when the informant was going to school on his motorcycle then two persons overtook him by a splendor motorcycle and intercepted him. The pillion rider got down quickly from the motorcycle and took out his pistol with the intention of killing him and fired on him. The bullet hit on the informant's right side of the the stomach and exited from the back and he ran towards the village. Thereafter, the villagers gathered there then the accused persons fled away from the spot.

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. It is further submitted that there is no allegation of abusing is 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 02.12.2024. The appellant has no criminal antecedent as stated in para 3 of the bail petition.

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 the name



of the appellant has surfaced from the confessional statement of the co-accused person in which he stated that the appellant along with the co-accused persons overtook the motorcycle of the informant and killed him by shooting in his stomach. As per the post-mortem report mentioned in the impugned order, the cause of death is firearm injury. As per para 81 and 84 of the case diary, the witnesses namely, Shivam Kumar and Manish Thakur have confessed that they heard the discussion of the petitioner and the co-accused (Roushan Kumar) about killing Vinod Master for which Rs. 1.5 lakh have to be paid. It is further submitted that when the deceased was going to school, in the meantime, the petitioner and the co-accused, Roushan Kumar informed Kalim Miyan in the way, Shivam Mandal, Raju and Sanjeep fired on him and during the course of treatment, he died.

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 14.02.2025 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Madhepura in Gwalpara P.S. Case No. 148 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to conclude the trial of



the appellant at the earliest.

(Chandra Prakash Singh, J)

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