

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1208 of 2025

Arising Out of PS. Case No.-346 Year-2024 Thana- THAWE District- Gopalganj

Mukesh Kumar Singh S/o Ramaji Singh Resident of Village- Bhusao, PS-
Thawe, Distt.- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Srikant Ram S/o Late Sukhram Ram R/o vill - Gopalmath, P.S.- Thawe,
Distt.- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Niranjan Kumar
For the Resp No. 2	:	Mr. Bipin Yadav
For the Respondent/s	:	Mr.Binay Krishna

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

ORAL ORDER

3 08-05-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as learned Special
Public Prosecutor 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 vide
order dated 19.02.2025 passed by the learned Additional
sessions Judge XI- cum Exclusive Special Judge, SC/ST (POA)
Act, Gopalganj arising out of Thawe P.S. Case No. 346 of 2024
dated 19.12.2024 registered for the offence/s punishable u/ss
103(1), 61(2), 238 read with section 3(5) of the BNS and
sections 3(1)(r)(s), 3(2)(v) of the SC/ST (POA) Act.



3. As per the prosecution case, the appellant and the co-accused persons are alleged to have took the informant's brother away and shot him dead. It is further alleged that few days back, the informant's brother worked at the appellant's house for which Rs. 5000/- was in due and when he asked the said money, the appellant assaulted him and threatened to kill him.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this 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 the SC/ST Act. There is no eyewitness to the alleged occurrence. The appellant has been implicated only on the basis of suspicion. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 21.12.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant. It is further stated that as per para 39 of the case diary, the accused Sujit Kumar has confessed that he



along with the petitioner and the other co-accused persons killed the informant's brother. As per para 51 of the case diary, the other accused Santoshi devi also supported the prosecution case. As per the postmortem report, the cause of death is due to haemorrhage and shock caused by hard and blunt substance.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 19.02.2025 passed by the learned Additional sessions Judge XI- cum Exclusive Special Judge, SC/ST (POA) Act, Gopalganj arising out of Thawe P.S. Case No. 346 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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