

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1269 of 2025**

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

Ajay Kumar Sah @ Ajay Kumar S/O Shtrudhan Sah R/O Village- Gardha,
Ward No.-7, P.S- Purpri, Distt- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rani Devi W/O Sharwan Paswan R/O Village- Pupri Gawo, Ward No.-5,
P.S- Pupri, Distt- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ranjeet Kumar Mishra
For the Respondent/s	:	Mr.Usha Kumari 1
For the Resp No. 2	:	Mr. Satyendra Narayan

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

ORAL ORDER

4 03-07-2025 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 14.02.2025 passed by the learned court of 1st Addl.
Session 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 offence/s punishable u/s 103 read
with section 3(5) of the BNS and section 3(2) (v) of the SC/ST
(POA) Act.



3. As per the prosecution case, the appellant and the co-accused persons told the informant's son to carry illicit liquor to which he refused. It is further alleged that the co-accused Raja Das along with the other co-accused persons came at the house of the 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 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 SC/ST Act. It is further submitted that there is no specific allegation of any assault or overt act attributed against the appellant, rather there is general and omnibus allegation against the accused persons. There is no eye-witness to the alleged occurrence. The appellant has five



criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 22.12.2024.

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 by submitting that the appellant himself confessed in para 91 of the case diary that he along with the other co-accused killed the informant's son and threw his dead body on the railway track.

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 14.02.2025 passed by the learned court of 1st Addl. Session Judge Cum Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Pupri P.S. Case No. 434 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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