

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1257 of 2025

Arising Out of PS. Case No.-707 Year-2024 Thana- JAMUI District- Jamui

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Bimal Singh @ Bimal Kumar Singh @ Vimal Singh @ Vimal Kumar Singh
Son of Late Kedar singh @ Kedar Singh Resident of Village- Neema (Nima),
Nima Rang Ward no 29 PS -Jamui District -Jamui

... .. Appellant.

Versus

1. The State of Bihar
2. Sanju Devi Wife of Late Mantun Manjhi Resident of Village- Kawaiya
Mushahari (Indepe), P.S.- Jamui Distt.- Jamui

... .. Respondents.

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Appearance :

For the Appellant	:	Mr. Sandip Kumar Gautam, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Respondent No.2 :		Mr. Pankaj Kumar Sinha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 22-05-2025 Heard learned counsel for the appellant, learned

counsel for the respondent no.2 and 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 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 04.03.2025 passed by learned 1st Additional Sessions
Judge cum Special Judge (SC/ST Act), Jamui in connection with
SC/St Case No.08 of 2025, arising out of Jamui P.S. Case No.
707 of 2024 registered under Sections 126 (2), 115 (2), 118, 109
(1), 303 (2), 103 (1) and 3 (5) of the Bhartiya Nyay Sanhita,



2023 and Section 3(1) (r) (s), 3 (2) (v) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation in the first information report is that on 11.10.2024, while the deceased was going along with the goat for performing sacrifice and when he reached near the house of the appellant, the appellant asked him to give the goat to him and on refusal by the informant, the appellant and his other friends, who were present on that time at the place of occurrence, assaulted the deceased by means of lathi, danda and sharp cut iron weapon. He was taken for treatment to Jamui Sadar Hospital from where he was referred to P.M.C.H. but, due to lack of resources, he was admitted in a private hospital where he died on 30.10.2024.

4. At the very outset, it is submitted by learned counsel for the appellant that the first information report in the present case has been lodged after an inordinate delay of 20 days inasmuch as the occurrence took place on 10.10.2024, whereas the first information report has been lodged on 30.10.2024. It is further submitted on behalf of the appellant that there is no eye witness to the said occurrence and informant herself is not an eye witness. During the course of investigation,



a number of witnesses have been examined including the family members of the deceased. From perusal of paras-2, 5 and 6 of the case diary, which contains the statement of the family members of the deceased, it would appear that the deceased disclosed the name of the present appellant to them, however, no first information report was instituted at that point of time. Further paras-33 and 38 contains the statements of the independent witnesses, Sohan Manjhi and Compounder and they have made the statements that despite the fact that they asked the deceased with regard to the assault, he did not made any disclosure before them. Further, the postmortem report also discloses that the death of the deceased has taken place due to internal bleeding and the injuries are ante-mortem caused by hard and blunt substance.

5. It is further submitted by learned counsel for the appellant that no chit of paper has been brought on record on behalf of the prosecution to show that the deceased was being treated in private clinic at three places and it is also a fact that he did not go to P.M.C.H. despite reference. Moreover, the basis of the entire case is a petty dispute with regard to snatching of goat from the husband of the informant. It is further submitted that the death of the deceased has taken place after 20 days of the



date of the occurrence, yet no statement of the deceased has been recorded during that period. It would also appear from the case record that the trial of the present appellant has been split up and charges have already been framed. It is also submitted that the facts of the case do not disclose any offence under the SC/ST Act. Appellant has been languishing in custody since 01.11.2024.

6. *Per contra*, learned Special PP for the State and learned counsel for the respondent no.2 opposed the prayer for bail on the ground that during course of investigation the appellant has confessed his guilt before the police. In response, learned counsel for the appellant submits that such confessional statement before the police has no evidentiary value in the eye of law. Learned counsel for the respondent no.2 further submits that the snatching of goat from the deceased, who belongs to SC/ST community, is an act of highhandedness on behalf of the appellant. He further submits that the trial has proceeded and four witnesses have been examined.

7. Taking into consideration the entire facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Jamui in connection with SC/ST Case No.08 of 2025, arising out of Jamui P.S. Case No.707 of 2024, subject to condition that the appellant would be present on each and every date in the trial before the learned Court below and the police authorities would ensure that no threat is given to the witnesses in the trial at the hands of the appellant and, if there is any such allegation based on some substantial report or evidence, the bail bonds of the appellant shall be liable to be cancelled by the learned Court below.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Soni Shrivastava, J)

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