

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1265 of 2025

Arising Out of PS. Case No.-321 Year-2024 Thana- BALIYA District- Begusarai

Satish Kumar Son of Sanjay Mahto @ Sanjay Kumar Resident of Village-
Husaina, (Husena) Hussaina) Shastri Nagar, Ward No. 09, P.S.- Ballia,
(Baliya), Distt.- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Naresh Paswan Son of Late Sonelal Paswan Resident of Village- Singhaul
(Singhoul), Ward No. 01, P.S.- Ballia (Baliya), Distt.- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sandip Kumar Gautam
For the Respondent/s	:	Mr. Binay Krishna
For the Informant	:	Mr. Vinod Gautam

**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 Special Public Prosecutor
for the State.

2. This is an appeal under Section 14A(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 of bail *vide* order dated
25.02.2025 passed by the learned Exclusive Special Judge,
SC/ST Act, Begusarai in connection with Ballia P.S. Case No.
321/2024 dated 03.10.2024 registered for the offence/s
punishable u/s 103(1) of the B.N.S. and Sections 3(1)(r)(s) and



3(2)(v) of the SC/ST Act.

3. As per the prosecution case, on 01.10.2024 at about 7 O'Clock in the evening, the co-accused Prince Kumar had taken away the informant's son namely, Rajesh Kumar @ Dimpal in the name of *Sata*. On 02.10.2024 the dead body of his son Rajesh Kumar @ Dimpal was recovered by the police from Husaina Nakta Bahiyar under Ballia police station. The photo of the dead body of the informant's son was posted on social media by the police. Then the informant went to the police station and identified the dead body. The informant has alleged that his son Rajesh Kumar @ Dimpal was murdered by Prince Kumar and he threw the dead body.

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 no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. 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, Prince Kumar. The co-accused, Prince Kumar in his confessional statement has stated that he took Rajesh Kumar @ Dimpal on his motorcycle to the place of occurrence where he caught hold of the hand of



the deceased and the petitioner caught the legs of the deceased due to which the deceased fell down then the co-accused, Anant Kumar @ Anand Kumar started strangulating his neck, thereafter, all the three accused persons started pressing his neck to death, thereafter, the co-accused Satruhan saw that the victim was alive then he informed them about this, thereafter, the co-accused Anant Kumar @ Anand Kumar holding *kachiya* came and started slitting the neck of the deceased but he was unable to slit then the petitioner and the co-accused persons started slitting his neck one by one due to which he died. However, as per the post-mortem report, the cause of death is due to hypoxia as a result of strangulation which shows that there is a contradiction between the confessional statement of the co-accused, Prince Kumar and the post-mortem report. It is further submitted that the petitioner in his confessional statement has stated that the co-accused Prince Kumar had a talk with the co-accused, Anant Kumar over a phone call in which the co-accused Anant Kumar agreed to kill Rajesh Kumar @ Dimpal for Rs. 10,000/-. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 05.10.2024.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer



of bail. As per the post-mortem report, the cause of death is due to hypoxia as a result of strangulation. It is further submitted that the petitioner in his confessional statement has stated that the co-accused Prince Kumar had a talk with the co-accused, Anant Kumar @ Anand Kumar over a phone call in which the co-accused, Anant Kumar @ Anand Kumar agreed to kill Rajesh Kumar @ Dimpal for Rs. 10,000/- which shows that the co-accused, Anant Kumar @ Anand Kumar is a contract killer.

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 25.02.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Begusarai in connection with Ballia P.S. Case No. 321/2024 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 Exclusive Special Judge, SC/ST Act, Begusarai in connection with Ballia P.S. Case No. 321/2024, with further 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 bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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