

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1319 of 2025**

Arising Out of PS. Case No.-274 Year-2024 Thana- TEKARI District- Gaya

Sahbeer Kumar S/o- Ramashish Das Village- Chawani par Ps- Tekari District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Shatrudhan Das S/o- Late Kamal Das Moh- Chhawani W.No-10, Ps- Tekari Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vishwa Ranjan Choudhary
For the Respondent/s	:	Mr.Sadanand Paswan
For the Resp No. 2	:	Mr. Rahul Ranjan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 04-09-2025 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 24.01.2025 passed by the learned Special Judge, SC/ST (POA) Act, Gaya in connection with Tekari P.S. Case No. 274 of 2024 dated 29.06.2024 registered for the offence/s punishable u/s 302 read with section 34 of the IPC and sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (POA) Act.

3. As per the prosecution case, it is alleged that the



the informant's son had earlier told his father that an altercation took place between the petitioner and him on the issue of mobile and for that reason all the accused persons abused him by calling his caste name and threatened to kill him. It is further alleged that at evening, the informant's son went to market but did not return, when the informant started searching for him, he came to know that his son was killed and his dead body was hanged on a tree.

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 section SC/ST Act. The appellant is not named in the FIR. The name of the appellant has sprung up on mere suspicion. There is no allegation against the appellant except suspicion. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 05.07.2024.

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 there is direct allegation against the appellant of committing murder of the informant's son. The appellant Sahbir Kumar @ Prem Kumar, in his confessional statement has stated that there was love affair between the deceased's sister and the appellant for that reason he along with the co-accused persons committed murder of Raushan Kumar and he also stated the *modus operandi* as to how the occurrence took place with the association of the other co-accused persons.

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 24.01.2025 passed by the learned Special Judge, SC/ST (POA) Act, Gaya in connection with Tekari P.S. Case No. 274 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)

guddukr/-

U		T	
---	--	---	--

