

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1356 of 2025

Arising Out of PS. Case No.-1320 Year-2024 Thana- NAWADA District- Nawada

Sudhanshu Kumar @ Chhotu S/o- Sadan Singh @ Sadan Kumar Resident of
Village- Asma, P.S.- Pakribrawan, District- Nawada,

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sulochana Kumari W/o- Bipin Kumar Paswan Village- Dhoda Ps- Kauwakol
Dist- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Man Mohan Kumar, Adv.
For the Respondent/s	:	Mr. Sheo Kumar Prasad, Adv.
For the State	:	Mr.Binay Krishna, Spl.PP

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

ORAL ORDER

5 25-09-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. 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 of bail of the appellant vide order dated 05.02.2025 passed by the learned Exclusive Special Judge SC/ST (PoA) Act, Nawada, in connection with B.P. No. 161 of 2025 arising out of Nawada Town P.S. Case No. 1320 of 2024 dated 10.11.2024 registered for the offences punishable under Sections 103(1), 238(a) and 324(1) read with Section 3(5) of the B.N.S. and under Section 3(2)(v) of the SC/ST (PoA) Act.

3. As per the prosecution case, the brother-in-law (*dewar*) of the informant was running a coaching at Nawada and



on 06.11.2024, he told the informant that he was going to Nawada on motorcycle to collect certificate, but he did not return and on the next day she received information regarding recovery of a motorcycle and a dead body, which she identified as her brother-in-law (*dewar*).

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The appellant is not named in the F.I.R. The name of the appellant has surfaced in this case in the confessional statement of the co-accused, Bhawani Kumari. There is no eye witness to the alleged occurrence. 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. It is further submitted that the appellant has no concern with the alleged offence. Learned counsel has further submitted that in Special Leave to Appeal (Crl.) No. 8433/2025, the Supreme Court of India has granted bail to the co-accused, Bhawani Kumari. As per the impugned order dated 05.02.2025, the appellant has no criminal antecedent and he is in custody since 16.11.2024

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant and submitted that in the paragraph no. 50 of the case diary, the appellant Sudhanshu Kumar



@ Chhotu Kumar had confessed his guilt and has clearly stated that he along with the co-accused, Bhawani Kumari and her brother was involved in the commission of murder of the deceased. He also stated in his confessional statement that the co-accused, Bhawani Kumari and his brother caught hold of the hands and legs of the deceased and also stuffed cloth in the mouth of the deceased and thereafter, he (the appellant) strangled the deceased with a towel to death. The bail of the co-accused, Bhawani Kumari is on different footing to that of the appellant. The allegation against the co-accused, Bhawani Kumari was of catching hold of the hands and legs of the deceased.

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 20.01.2025 passed by the learned Exclusive Special Judge SC/ST (PoA) Act, Nawada, in connection with Nawada Town P.S. Case No. 1320 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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