

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1835 of 2024

Arising Out of PS. Case No.-525 Year-2023 Thana- KRITYANAND NAGAR District-
Purnia

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Santosh Singh Son of Late Suresh Singh Resident of Village- Gangaili, P.S.-
K. Nagar (Maranga), Dist.- Purnea

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Rahul Kumar Son of Naresh Paswan Resident of Lohapul, Gangaili, Ward
No. 10, P.S.- K. Nagar (Maranga), Dist.- Purnea

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Rajiv Kumar Singh, Adv. Mr. Pankaj Kumar Sinha, Adv.
For the informant	:	Mr. Birendra Kumar Singh, Adv. Mr. Dhananjay Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna,Spl. PP

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

ORAL ORDER

8 06-02-2025 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 for bail of
the appellant vide order dated 04.03.2024 passed by the learned
Special Judge, SC & ST Act, Purnea in connection with K.
Nagar (Maranga) P.S. Case No. 525 of 2023 dated 11.09.2023
registered for the alleged offences punishable under Sections
341, 342, 323, 307, 364, 120B read with Section 34 of the Indian
Penal Code and Sections 3(1)(r)(s)/ 3(2)(v) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. As per the prosecution case, on 09.09.2023, when the informant was going to see Sisia Mela then the appellant and the co-accused persons armed with weapons came on vehicle and surrounded him. The co-accused persons, Subodh and Santosh caught his hand and the co-accused, Rajesh and Suman tied his mouth with towel and got him seated inside the vehicle and proceeded towards Karhagola. The accused persons assaulted him and abused him by calling his caste name. They also threatened that they would kill his family and then they took him to the house of Prem Lal Yadav where three persons were present before and informed them that he was to be killed and we would throw him in Kursela Bridge after killing so that the dead body would not be traced out and thereafter, the co-accused Santosh and his three brothers took him near Kursela Bridge and tied him with bricks and threw him down the bridge in order to kill him due to which the informant became senseless and in the next morning, fisherman took him out.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The name of the appellant has surfaced in this case merely on suspicion. It is further submitted that no member of public was present at the relevant point of time of the incident



and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that there is no specific allegation against the appellant. As per the injury report of the injured, the injury is simple in nature caused by hard and blunt substance. Learned counsel has further submitted that the appellant has no concern with the alleged offence. The appellant has six criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 28.01.2024.

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.

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 04.03.2024 passed by the learned Special Judge, SC & ST Act, Purnea in connection with K. Nagar (Maranga) P.S. Case No. 525 of 2023, 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 Special Judge, SC



& ST Act, Purnea in connection with K. Nagar (Maranga) P.S.
Case No. 525 of 2023 with the condition :-

(i) The petitioner 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 bond of the petitioner is liable to be cancelled.

(Chandra Prakash Singh, J)

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