

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1640 of 2025

Arising Out of PS. Case No.-97 Year-2024 Thana- Kumarbagh District- West Champaran

Rameshwar Sah S/O Late Vikram Sah, R/O Village- Chaubey Tola, P.S-
Kumarbagh, District- West Champaran, Bihar. Appellant/s
Versus

1. The State of Bihar.
2. Most. Gyanti Kunwar W/O Late Prabhu Dhangar R/O Village- Lohiyariya,
Dhangad Tola, P.S- Kumarbagh, Dist.- West Champaran, Bihar.
... .. Respondent/s

Appearance :
For the Appellant/s : Mr.Mayank Mohan, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

409-09-2025

Heard learned counsel appearing on behalf of the
appellant and learned Spl. PP appearing for the State.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Act”) against the refusal of prayer for bail vide order dated 08.04.2025 passed by the learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST Act), Bettiah, West Champaran, in connection with Kumarbagh P.S. Case No. 97 of 2024 registered under Sections 103(1), 3(5) of B.N.S. and Section 3(1)(r)(s) of SC/ST Act.

3. The appellant is named in F.I.R. and is in custody since 16.12.2024.



4. As per FIR, appellant alongwith other named co-accused persons assaulted brother-in-law of the informant, due to which he died on the spot.

5. Learned counsel for the appellant submitted that the appellant was falsely implicated due to village politics upon instigation of other villagers with whom this appellant was in inimical terms. It is submitted that the occurrence took place on 06.11.2024 but FIR for alleged occurrence was lodged on 08.11.2024 without assigning any explanation for delay. It is also pointed out that the FIR in issue was lodged after conducting *post-mortem* report, which further suggest that same was lodged as a matter of afterthought. It is submitted that soon before the occurrence, the deceased executed the sale deed in favour of the appellant and, therefore, there is no apparent reason to assault or to develop any inimical feeling towards the deceased and his family. While concluding the argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has submitted, as such, there is no chance of tampering with the evidence and, moreover, the appellant is a man of clean antecedent.

6. Learned counsel for the appellant further submitted that if insult is not caused to complainant/informant on the basis of



caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

7. Mr. Sadanand Paswan, learned Special P.P. for the State, while opposing the prayer for bail submitted that the deceased was the member of scheduled caste community and he was the poor and downtrodden person and was assaulted physically in his home by this appellant and other co-accused persons, who are brothers of this appellant. It is pointed out that informant is the *eye-witness* of the occurrence. It is submitted that as deceased refused to work with appellant as a labour, the present occurrence took place. It is further submitted that face of FIR itself suggest that the present murder committed out of atrocities as defined within the meaning of the SC/ST Act, 1989, when deceased being a member of scheduled caste community refused to work as labour with appellant. It is further submitted by learned Special PP that during occurrence deceased fell down to ground after receiving serious head and bodily injuries but this appellant pressed him by leg and did not allowed to get him up., which suggest the brutality of occurrence. It is also pointed out by learned Special PP that the injuries as found upon head and bodily part of the deceased during *post-mortem* appears in full



corroboration with manner of assault as alleged through FIR by the informant.

8. In view of the aforesaid factual submissions and by taking note of fact as the appellant assaulted deceased after criminal trespass to his house alongwith other co-accused persons causing severe head and bodily injuries, leading to his death, where informant is the eye-witness of the occurrence, coupled with the fact that the nature of injuries as alleged to be received by deceased *prima facie* appears in corroboration with the manner of assault, as discussed aforesaid, accordingly, the prayer of bail of the appellant stands rejected herewith for the present.

9. Accordingly, appeal stands dismissed.

(Chandra Shekhar Jha, J)

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