

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1616 of 2025

Arising Out of PS. Case No.-346 Year-2024 Thana- THAWE District- Gopalganj

Sujit Kumar @ Sujit Kumar Ram S/O Shivnath Ram R/O Vill.- Gopalmath,
P.S.- Thawe, District- Gopalganj

... .. Appellant

Versus

1. The State of Bihar.
2. Sri Kant Ram S/O Late Sukhram Ram R/O Vill.- Gopalmath, P.O.- Pir Bhagwanpur, P.S.- Thawe, District- Gopalganj.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Raghav Prasad, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 10-07-2025 Heard learned counsel for the appellant, learned counsel for the informant and the learned Special Public Prosecutor appearing on behalf of 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 19.02.2025 passed by the learned Additional Session's Judge-XI-cum-Exclusive Special Judge, SC/ST (PoA) Act, Gopalganj in connection with Thawe P.S. Case No. 346 of 2024 dated 19.12.2024 registered for the offences punishable under Sections 103(1), 61(2), 238 read with Section 3(5) of the BNS and under Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the SC/ST (PoA) Act.

3. As per the prosecution case, the co-accused



persons along with two to three miscreants are alleged to have taken the informant's brother away and shot him dead and thrashed his head by bricks. It is further alleged that few days back, the informant's brother had worked at the house of the co-accused, Mukesh Kumar Singh for which Rs. 5000/- was due and when the deceased asked for the said money, he was murdered.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in the present 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 SC/ST Act. There is no eyewitness to the alleged occurrence. As per FIR, the alleged occurrence took place on 17.12.2024 but the FIR has been instituted on 19.12.2024 after a delay of two days after *post-mortem* and cremation of the dead body without providing any explanation for the said delay. Similarly, situated co-accused has already been granted bail by this Court *vide* order dated 03.07.2025 passed in Cr. App (SJ) No. 1034 of 2025. The appellant has one criminal antecedent as stated in para no. 3 of the bail petition. The appellant is in custody since 21.01.2025.

5. Learned counsel for the informant as well as



learned Special Public Prosecutor for the State has vehemently opposed the bail petition of the appellant and submitted that as per para 39 of the case diary, the appellant has confessed that he along with other co-accused persons had killed the informant's brother. As per para 51 of the case diary, the other accused Santoshi Devi has also supported the prosecution case. As per *post-mortem* report, the cause of death is due to haemorrhage and shock caused by hard and blunt substance.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the appellant, I am not inclined to set aside the impugned order dated 19.02.2025 passed by learned Additional Session's Judge-XI-cum-Exclusive Special Judge, SC/ST (PoA) Act, Gopalganj in connection with Thawe P.S. Case No. 346 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial Court is directed to expedite and conclude the trial at the earliest.

(Chandra Prakash Singh, J)

Shahnawaz/-

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

