

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1743 of 2025**

Arising Out of PS. Case No.-175 Year-2020 Thana- PALIGANJ District- Patna

Tarun Kumar S/O Surendra Prasad @ Nandu Yadav R/O Village- Barkibagh,
Karwa, P.S- Bhagwanganj, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Puja Kumari D/O Sri Chanardan Paswan R/O Village- Kangarhan, P.S-
Arwal, Distt.- Arwal.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deovind Kumar Singh, Adv.
For the Respondent/s : Mrs. Sharda Kumari, Spl.PP

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

ORAL ORDER

5 21-08-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State. However, learned counsel for the
respondent no. 2 is not present despite notice is validly served
upon the respondent no. 2.

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 04.04.2025 passed by the learned
Exclusive Special Judge (SC/ST Act), Patna in connection with
Spl. Case No. 246/20 arising out of Paliganj P.S. Case No. 175
of 2020 dated 25.05.2020 registered for the alleged offences
punishable under Sections 302, 379 read with Section 34 of the



Indian Penal Code and Section 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 25.05.2020, the informant and Arti Devi were going to Paliganj from Arwal and when they arrived at Mahavir Temple, Bihta Chowk then Arti Devi started talking on her mobile with a boy whose number is 8789689085. Thereafter, the said boy accompanying with the another boy came on a motorcycle, a quarrel started between Arti Devi and the said boy. The said boy took her mobile and purse and told her to meet at Dharhara Petrol Pump. Afterwards, he again came there along with the two other boys. When Arti Devi asked her mobile and purse then he started assaulting and pushed her down, resulting she became unconscious and all the accused persons fled away. The informant further alleged that on her hue and cry, one Amarjeet Kumar @ Bhola arrived there and took Arti Devi to the hospital where during the course of treatment, she died. It is further alleged that the user of the said mobile number along with his friends assaulted Arti Devi due to which she became unconscious and she died during the course of treatment.

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 sprung up in the confessional statement of the co-accused, Surendra Kumar who has already been granted bail by a Coordinate Bench of this court vide order dated 05.07.2021 passed in Cr. Appeal (SJ) No. 1829/2021. It is further submitted that there is no allegation of abusing against the appellant and hence, no offence under provisions of SC/ST Act is made out against the appellant. The appellant is neither the holder of the said mobile number nor he is the owner of the alleged motorcycle. There is no specific allegation against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 24.03.2025.

5. Learned Special Public Prosecutor for the State has 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 04.04.2025 passed by the learned Exclusive Special Judge (SC/ST Act), Patna in connection with Spl. Case No. 246/20 arising out of Paliganj P.S. Case No. 175 of 2020, 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 Exclusive Special Judge (SC/ST Act), Patna in connection with Spl. Case No. 246/20 arising out of Paliganj P.S. Case No. 175 of 2020 with the condition :-

(i) The appellant 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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