

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1885 of 2025

Arising Out of PS. Case No.-417 Year-2016 Thana- FATUA District- Patna

Shiva @ Shivrath son of Vijay Ray @ Vinay Kumar Village- Nathupur, Ps-
Fatuha, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Shivbalak Ram (Chaukidaar) Son of Late Ramavtar Ram village-
Bikrampur, Ps- Fatuha, Dist- patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant/s	:	Mr. Om Prakash Prasad, Adv.
		Mr. Ankit Kumar, Adv.

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

ORAL ORDER

4 07-08-2025 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor 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 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail *vide* order dated
16.04.2025 passed by the learned Court of Exclusive Special
Judge, SC/ST Act, Patna in connection with Fatuha P.S. Case
No. 417 of 2016 dated 31.10.2016 registered for the offence/s
punishable u/s 302, 201 read with Section 34 of the Indian Penal



Code and Section 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, it is alleged that the informant found unknown dead body near the village Daulatpur, thereafter he informed the police who enquired about the unknown dead body to passersby. It is further alleged that unknown persons have brutally killed and smashed the face with bricks to hide the identity and threw the dead body.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the FIR. The name of the appellant has sprung up in the confessional statement of co-accused Golu Kumar. There is general and omnibus allegation against the appellant. It is further submitted that there is no member of public was present at the relevant point of time of the incident. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody in this case since 24.01.2025. The co-accused person has already been granted bail by the Co-ordinate Bench of this Court vide order dated 19.07.2021 passed in Cr. Appeal (S.J.). No. 2044 of 2021.

5. Learned Spl.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer



of bail.

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 16.04.2025 passed by the learned Court of Exclusive Special Judge, SC/ST Act, Patna in connection with Fatuha P.S. Case No. 417 of 2016 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 Court of Exclusive Special Judge, SC/ST Act, Patna in connection with Fatuha P.S. Case No. 417 of 2016.

(Chandra Prakash Singh, J)

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