

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1951 of 2025

Arising Out of PS. Case No.-341 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Mohan Singh S/O Ram Murti Singh Resident of Village- Naya Nagar, P.S-
Hasanpur, Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Phul Kumar Paswan S/O Prasadi Paswan R/O Village and Post- Purpayar,
Ward No. 06, P.S- Khodwandpur (Chhaurahi O.P), Distt.- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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

ORAL ORDER

4 21-08-2025 Heard learned counsel for the appellant and 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 09.04.2024 passed by the learned Exclusive Special Judge SC/ST (PoA) Act, Begusarai in connection with Khodawandpur P.S. Case No. 341 of 2022 dated 02.12.2022 registered for the offence/s punishable u/ss 147, 364, 376D, 302, 201 and 149 of the Indian Penal Code read with Section 3(2)(v) of the SC/ST (PoA) Act.



3. As per the prosecution case, the informant alleged that the appellant and the co-accused kidnapped, committed rape and murder of the wife of the informant.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is no specific allegation against the appellant rather the allegation against the appellant is general and omnibus in nature. As per para- 26, 27 and 28 of the case diary, the statement of the witnesses have been recorded in which they have not stated the name of the appellant. The occurrence took place on 29.11.2022 but the FIR was lodged on 02.12.2022 i.e. the delay of three days and there is no explanation for this delay. There is no allegation of abuse against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. It is further submitted that no member of public was present at the relevant point of time of the incident. The appellant has no concern with the alleged offence. The appellant has three criminal antecedents in which he is on bail in all cases as stated in para 3 of the bail petition. The appellant is in custody in this case since 07.07.2023.

5. Learned Spl.P.P. for the State has vehemently



opposed the prayer of 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 09.04.2024 passed by the learned Exclusive Special Judge SC/ST (PoA) Act, Begusarai in connection with Khodawandpur P.S. Case No. 341 of 2022 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 (PoA) Act, Begusarai in connection with Khodawandpur P.S. Case No. 341 of 2022, with a 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 bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

Shivam/-

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

