

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2047 of 2025

Arising Out of PS. Case No.-376 Year-2024 Thana- KESARIA District- East Champaran

Rahul Kumar S/o- Vinod Sah R/v- Muhammadpur, P.S.- Kesariya, District-
East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mira Devi W/o- Suresh Baitha R/v- Muhammadpur, P.S.- Kesariya, District-
East Champaran

... .. Respondent/s

Appearance :

For the Appellant	:	Mr.Sheo Jee Mishra, Advocate
For the Respondent	:	Mr.Binay Krishna, Sp.P.P
For the Informant	:	Mr. Abhishek Kumar, Advocate
		Mr. Hemant Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 18-09-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer of bail of the appellant vide order dated 11.04.2025 passed by the learned Special Judge, SC/ST, East Champran, Motihari in connection with Kesariya P.S. Case No. 376/2024 dated 14.11.2024 registered for the alleged offences punishable under Sections 103(1) read with Section 3(5) of the B.N.S. and Sections 3(1)(r)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.



3. As per the prosecution case, the appellant and the co-accused person are alleged to have kidnapped the daughter of the informant and tried to sexually assault her and when informant's daughter tried to flee, the appellant and the co-accused person killed her by strangulating her and kept her dead body in their house. When the informant went to the house of the appellant and the co-accused person to inquire about the incident, they abused her by calling her caste name and threatened her to kill her daughter and to throw in the orchard. It has been further alleged that in the morning, accused, Sagar Kumar and Rahul Kumar (petitioner) came to the informant and told that her daughter was murdered and her dead body was hanging on the mango tree. It has been further alleged that prior to this occurrence, both accused used to flirt with her daughter.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. There is a delay of 5 days in lodging the F.I.R. The appellant has no criminal antecedent as



stated in para 3 of the bail petition. The appellant is in custody since 14.12.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant. As per the post mortem report, the cause of death is due to asphyxia due to hanging. In para. 5, 8 and 9 of the case diary, there is sufficient material against the appellant.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 11.04.2025 passed by the learned Special Judge, SC/ST (POA) Act in connection with Kesariya P.S. Case No. 376/2024 and accordingly, the prayer for bail of the appellant is rejected and learned court below is directed to conclude the trial of the appellant at the earliest.

(Chandra Prakash Singh, J)

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