

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2017 of 2025**

Arising Out of PS. Case No.-434 Year-2024 Thana- PUPRI District- Sitamarhi

Binod Paswan @ Binod Kumar Son of Gajdish Paswan R/o Vill.- Pupri Gaon,
P.O.- Pupri, P.S.- Pupri, District - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rani Devi Wife of Sravan Paswan R/o Vill.- Pupri, Gow Ward No.- 05, P.O.- Pupri, P.S.- Pupri, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sitaram Prasad, Adv.
For the Respondent/s	:	Mr. Satyendra Narayan, Adv.
for the State	:	Ms.Usha Kumari 1, Spl.PP

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

ORAL ORDER

3 07-08-2025 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 07.04.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Sitamarhi in connection with Pupri P.S. Case No. 434 of 2024 dated 14.10.2024 registered for the offences punishable under Section 103 read with Section 3(5) of the B.N.S. and under Section 3(2)(v) of the SC/ST (PoA) Act.

3. As per the prosecution case, the FIR named



accused persons told the informant's son to carry illicit liquor to which he refused. It is further alleged that co-accused, Raja Das along with other co-accused persons came at the house of the informant at night and asked the whereabouts of her son to which she replied that he had gone towards Bhulan Chowk and afterwards, her son did not return home. It is further alleged that on the next day, the informant received information from the villagers that a dead body was lying in a bush near Rewali line, ten steps ahead of Brahma Asthan, which the informant identified as her son.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in the present case due to ulterior motive. The appellant is not named in the F.I.R. The name of the petitioner has surfaced in this case during the course of investigation. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence, hence no case is made out under SC/ST Act. The appellant has no concern with the alleged offence. The appellant has clean antecedent as stated in paragraph no. 3 of the bail petition. The appellant is in custody since 10.11.2024.

5. Learned counsel for the informant as well as learned Special Public Prosecutor for the State on the basis of materials available on record and case diary, has vehemently opposed the



bail petition of the appellant and submitted that as per para 53 of the case diary, there is confessional statement of the appellant who has confessed his guilt and admitted that he along with other co-accused persons have committed the murder of the deceased, Sanni Kumar on 13.10.2024 by calling him at Brahma Asthan and put his dead body at the Railway Track so that it would be presumed that his death was caused due to dashing by the Train. As per the post-mortem report of the deceased, the cause of death was due to haemorrhage and shock leading to CR failure as a result of injury caused by hard and heavy object.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 07.04.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Sitamarhi in connection with Pupri P.S. Case No. 434 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

7. The learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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