

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2556 of 2024

Arising Out of PS. Case No.-611 Year-2023 Thana- ARA NAWADA District- Bhojpur

Monu Dubey @ Manoj Dubey @ Radhe Son of Jayram Dubey R/o village -
Salempur, P.S.- Ara Mufasil, Dist.- Bhojpur at Ara

... .. Appellant/s

Versus

1. The State of Bihar
2. Devendra Kumar Ram Son of Late Krishna Kumar Ram R/o village -
Devrath, P.S.- Barhara, District - Bhojpur at Ara

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Tribhuwan Narayan, Adv.
For the informant	:	Mr. Manoj Kumar Jha, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, Spl.PP

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

ORAL ORDER

4 06-02-2025 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 14(A)(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 20.02.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhojpur at Ara in connection with SC/ST Case No. 173 of 2023 arising out of Ara Nawada P.S. Case No. 611 of 2023 dated 26.08.2023 registered for the alleged offences punishable under Sections 302, 201, 120B read with Section 34 of the Indian Penal Code, Sections 25(1-B)(a), 25, 27 and 35 of the Arms Act



and Sections 3(1)(r)(s)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (PoA) Act.

3. As per the prosecution case, on 23.08.2023, the informant's wife told the informant that Ankur Pandey has given a telephonic information that their son namely Raunak Kumar @ Raju Kumar has sustained fire arm injury. On the said information, the informant reached Paras Hospital where Ankur Pandey and Raju Kumar stated that the informant's son and their friend including them also were returning in a tempo from hospital, someone ridden on a motorcycle fired on them and the bullet hit on the informant's son. Thereafter, Ankur Pandey and Raju Kumar took the victim at Sadar Hospital, Ara from where the injured referred to PMCH but Ankur Pandey and Raju Kumar took their friend to Paras Hospital, Agam Kuan where his son declared dead.

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 confession statement of the co-accused, Rohit Kumar Yadav. 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. The appellant is in custody since 30.08.2023. The appellant has no criminal antecedent as stated in para 3 of the bail petition.

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 and submitted that in para 17 of the case diary, the co-accused Rohit Kumar has admitted in his confessional statement that Mohit Kumar, Raju Rai @ Raju Kumar, Chandan Kumar, Ankur Pandey and Chotte Lal Pandey were eating and drinking in the room, in the meantime, the appellant came there with a pistol and was playing with the said pistol as pointing here and there and during the same, the pistol holded in the hand of the appellnat made fire which hit their friend namely Raunak Kumar @ Raju Kumar and this fact also evident from para 51 of the case diary.

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 20.02.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhojpur at Ara in connection with SC/ST Case No. 173 of 2023 arising out of Ara Nawada P.S. Case No. 611 of 2023 and accordingly, the



prayer for bail of the appellant is rejected.

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

8. The application stands rejected.

(Chandra Prakash Singh, J)

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