

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2633 of 2024

Arising Out of PS. Case No.-84 Year-2023 Thana- PARBATTa District- Bhagalpur

DEEPAK @ DEEPAK KUMAR @ DEEPAK MANDAL SON OF MANOJ
KUMAR MANDAL @ MAHESH FAUZI RESIDENT OF VILLAGE -
PARBATTa (CHOTI PARBATTa), P.S. - ISMAILPUR, DISTRICT -
BHAGALPUR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. UMESH PASWAN SON OF LATE BAIKUNTH PASWAN RESIDENT OF
VILLAGE AND P.S. - TIKAPATTI, DISTRICT - PURNEA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar Jha
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

5 15-05-2025 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
10.05.2024 passed by the learned Additional District and
Sessions Judge-III-cum-Special Judge, SC/ST, Bhagalpur in
connection with Parbatta P.S. Case No. 84/2023 dated
06.05.2023 registered for the offence/s punishable u/ss 394, 302
and 201 of the Indian Penal Code and Section 27 of the Arms



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

3. As per the prosecution case, while the son of the informant was returning after collecting money, in the meantime, three unknown miscreants including the appellant ridden on the motorcycle stopped him and one of them seated behind fired on the informant's son due to which his son sustained injury and thereafter he died. The accused persons looted the bag containing Rs. cash (40,000/-) and mobile of the informant's son.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The name of the appellant was surfaced during investigation. There is no any eye-witness of the alleged occurrence. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has no concern with the alleged offence. The appellant has two criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 08.05.2023.

5. Learned Spl.P.P. for the State has vehemently opposed the prayer of bail and submitted that the appellant is named in the FIR. It is further submitted that as per case diary, it



appears that the appellant confessed his guilt regarding loot and murder of the deceased. At the instance of confessional statement of the appellant, looted cash and mobile phone of the deceased were recovered from his house.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the appellant, I am not inclined to set aside the impugned order dated 10.05.2024 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST, Bhagalpur in connection with Parbatta P.S. Case No. 84/2023 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to conclude the trial of the appellant at the earliest.

(Chandra Prakash Singh, J)

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