

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2533 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- RAJPUR District- Buxar

Sarvanand Upadhyay S/O Ram Nageena Upadhyay R/O Village- Bharkhara,
P.S- Rajpur, Distt.- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Parwati Devi W/O Sanjay Paswan R/O Village- Bharkhara, P.S- Rajpur,
Distt.- Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pankaj Kumar, Adv.
For the informant	:	Ms. Dimpal Kumari, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 16-10-2025 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 for bail of the appellant vide order dated 06.05.2025 passed by the learned District & Additional Sessions Judge-I-cum-Special Judge SC/ST (PoA) Act, Buxar in connection with SC/ST Case No. 26 of 2025 arising out of Rajpur P.S. Case No. 07 of 2025 dated 04.01.2025 registered for the alleged offences punishable under Sections 103(1) read with Section 3(5) of the B.N.S. and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

3. As per prosecution case, on 01.01.2025 at about 2.30 P.M., the appellant and one Anil Upadhyay took the informant's husband with them but he did not return to home. During the course of search, the informant's brother-in-law told that the F.I.R. named accused persons were celebrating a party at the house of the co-accused, Rakesh Upadhyay. After the party, the informant's husband did not return to home then he was searched. Thereafter, the informant filed missing report at the police station on 03.01.2025. Subsequently, police conducted a raid at the appellant's house and recovered a dead body which was identified as that of the informant's husband. It is further alleged that the appellant and the other co-accused persons were involved in causing the death of the informant's husband.

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. Learned counsel has further submitted that as per the statement of the appellant in para 17 of the case diary, the



informant's husband came to the house of the appellant in a drunken state and pointed pistol on him then the appellant in self defence assaulted with hunter on the head of the deceased as the deceased was agressor. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 05.01.2025.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have vehemently opposed the prayer for bail of the appellant and submitted that the specific allegation is against the appellant who assaulted on the head of the deceased due to which he died. As per the post-mortem report of the deceased, the cause of death due to haemorrhage and shock caused by blunt object.

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 06.05.2025 passed by the learned District & Additional Sessions Judge-I-cum-Special Judge SC/ST (PoA) Act, Buxar in connection with SC/ST Case No. 26 of 2025 arising out of Rajpur P.S. Case No. 07 of 2025, 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 District & Additional Sessions Judge-I-cum-Special Judge SC/ST (PoA) Act, Buxar in connection with SC/ST Case No. 26 of 2025 arising out of Rajpur P.S. Case No. 07 of 2025 with the 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 bond of the petitioner is liable to be cancelled.

(Chandra Prakash Singh, J)

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