

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2504 of 2025

Arising Out of PS. Case No.-97 Year-2024 Thana- Kumarbagh District- West Champaran

Pawan Kumar Son of Rameshwar Sah Resident of Village - Chaubey Tola,
P.S.- Kumarbagh, District - West Champaran, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Most. Gyanti Kunwar Wife of Late Prabhu Dhangar Resident of Village -
Lohiyariya, Dhangad Tola, P.S.- Kumarbagh, District - West Champaran,
Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Adv. Mr. Mayank Mohan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 11-09-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as 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 against the rejection of prayer for bail vide order dated
05.06.2025 passed by the learned Additional Sessions Judge-1st-
cum-Special Judge, SC/ST (POA) Act, Bettiah, West Champaran in
Kumarbag P.S. Case No. 97 of 2024 dated 08.11.2024 registered for
the offence/s punishable under Sections 103(1), 3(5) of the B.N.S.
and 3(1)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, the present petitioner along



with the co-accused Rameshwar Shah, Banilal Shah and three unknown persons entered into the house of the informant and started abusing by caste name and upon asking why Nanak Dhangad is not coming for work, the informant said that her devar will go after Chhat festival upon this the accused persons assaulted Nanak Dhangad by means of kick, fist and plank after which Rameshwar Shah pressed the neck of Nanak Dhangad by his leg until he died.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. It is further submitted by the learned counsel for the appellant that no specific allegation has been levelled against the petitioner rather a composite allegation has been levelled however, finding of death and allegation not matched. There is also a land dispute between both the parties. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 06.05.2025.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

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 05.06.2025 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Bettiah, West Champaran in Kumarbag P.S. Case No. 97 of 2024, 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 A.D.J. 1st, Bettiah at West Champaran in connection with Kumarbag P.S. Case No. 97 of 2024. 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 bonds of the appellants are liable to be cancelled.

Siddharth Soni/- **(Chandra Prakash Singh, J)**

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