

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2729 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- BEN P.S. District- Nalanda

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Munna Kumar S/o Sri Kapil Sah R/o Village- Gram Shahari, PS- Ben, Distt. - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sita Devi W/o Ajay Ravidas R/o vill - Ben, P.S.- Ben, Distt.- Nalanda

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Santosh Kumar
For the Respondent/s	:	Mr.Usha Kumari 1
For the Respondent No.2	:	Mrs. Priyanka, Mr. Pintu Kumar Patel and Mr. Shivnandan Bharti

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 25-09-2025 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(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 20.06.2025 by the learned Additional Sessions Judge Vith-cum-Special Judge SC/ST Act, Biharsharif, Nalanda in Spl. SC/ST Case No. 127/2025 with Ben P.S. Case No. 75/2025 dated 06.05.2025 registered for the offence/s punishable u/s 137(2), 140(3), 103(1), 238 and 61 read with Section 3(5) of the B.N.S.



and Sections 3(1)(r)(s) and 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, on 05.05.2025, the informant's son was going to attend the *baraat* on Scorpio vehicle. When the said *baraat* reached near *Sahri* village, a DJ was standing where five to six persons were present. In the meantime, an altercation took place between them and due to a strong storm and rain, the Scorpio vehicle fell into ditch filled with water. Thereafter, the said *baraat* returned to village-*Ben* but the informant's son did not return.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. There is general and omnibus allegation against the appellant. The appellant, Munna Kumar in his confessional statement has stated the modus operandi as to how the occurrence took place with the assistance of the co-accused persons but the said statement does not have any evidentiary value in the eye of law. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 08.05.2025.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer



of bail As per the Post Mortem report, the cause of death is asphyxia due to drowning.

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 20.06.2025 by the learned Additional Sessions Judge Vith-cum-Special Judge SC/ST Act, Biharsharif, Nalanda in Spl. SC/ST Case No. 127/2025 with Ben P.S. Case No. 75/2025 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 Additional Sessions Judge Vith-cum-Special Judge SC/ST Act, Biharsharif, Nalanda in Spl. SC/ST Case No. 127/2025 with Ben P.S. Case No. 75/2025, with further 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 appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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