

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3562 of 2024**

Arising Out of PS. Case No.-145 Year-2023 Thana- MATIHANI District- Begusarai

Tuntun Kunwar @ Nun Roti Son of Late Sahdev Kunwar, Resident of
Village- Shankarpur Bhakhadda, P.S.- Matihani, Distt- Begusarai.

... .. Appellant

Versus

1. The State of Bihar.
2. Shabnam Devi Past Wife of Bhramdev Paswan, R/o Vill.- Kadhagola Rauniya, P.S.- Barari, Dist.- Katihar. Presently Wife of Ramphul Paswan, R/o Vill.- Damar Kothi, P.S.- Parbatta, Dist.- Khagaria.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Sarvottam Kumar, Advocate

For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

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

ORAL ORDER

6 10-04-2025 Heard learned counsel for the appellant, learned
counsel for the informant and the learned Special Public
Prosecutor appearing on behalf of 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 18.05.2024 passed by the learned Exclusive Special
Judge, SC/ST (PoA) Act, Begusarai in connection with Matihani
P.S. Case No. 145 of 2023 dated 29.09.2023, registered for the
offences punishable under Sections 302, 201 and 326 of the
Indian Penal Code, under Section 27 and 25(1b-a)26 of the
Arms Act and also under Sections 3(1)(r)(s) and 3(2)(v) of the



SC/ST (PoA) Act.

3. As per the prosecution case, the son of informant namely, Ramesh Paswan was shot dead by the appellant when he went to the house of the appellant for taking the due amount.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in the present case due to ulterior motive. Learned counsel next submitted that there is no eyewitness to the alleged occurrence and the appellant has been implicated in the present case merely on the basis of suspicion. Learned counsel has further submitted that 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 SC/ST Act. The appellant has one criminal antecedent as stated in paragraph no. 3 of the bail petition. The appellant is in custody since 30.09.2023.

5. Learned counsel for the informant as well as learned Special Public Prosecutor for the State has vehemently opposed the prayer of bail of the appellant and submitted that it has come in the paragraph no. 29 of the case diary that the appellant has confessed his guilt and one *katta* and three cartridges have also been recovered from his house and there is specific allegation of firing attributed against the appellant.



6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the appellant, I am not inclined to set aside the impugned order dated 18.05.2024 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai, in connection with Matihani P.S. Case No. 145 of 2023 and accordingly, the prayer for bail of the appellant is rejected.

7. The learned trial Court is directed to conclude the trial of the appellant at the earliest.

(Chandra Prakash Singh, J)

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