

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3849 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- PATAHI District- East Champaran

Nitesh Yadav @ Nikesh Kumar Son of Motilal Yadav Resident of Village
-Bokane Kala, P.S. - Patahi, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Devraj Paswan Son of Bigu Paswan Resident of Village - Suguali, P.S. -
Sikarpur, District - West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

5 31-07-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State, however, the notice has

validly been served to the OP No. 2 but no one appeared on

behalf of the OP No. 2.

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 21.06.2024 passed by the learned Special Judge,
SC/ST (POA) Act, East Champaran, Motihari in Patahi P.S.
Case No. 112 of 2024 dated 10.05.2024 registered for the
offence/s punishable u/ss 302, 201 read with section 34 of the
IPC and sections 3(2)(va) of the SC/ST (POA) Act.



3. As per the prosecution case, on 30.04.2024, the co-accused, Guddu Paswan is alleged to have called the informant's son for learning JCB on brick kiln, thereafter, on 08.05.2024, the co-accused made a phone call to the informant that his son was missing. When the informant went there, he came to know that the petitioner along with the other co-accused killed his son.

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 the SC/ST Act. The appellant is not named in the FIR. The name of the petitioner has sprung up in the confessional statement of the co-accused Guddu Paswan. There is no specific allegation against the petitioner. There is no eye-witness to the alleged incident. It is further submitted that the informant's son died due to come in contact with the electric current. As per the postmortem report, the deceased sustained diffuse dry burn over left scapular region and dry burn over medial aspect of left elbow and the opinion was kept reserved. The appellant has no criminal antecedent as stated in para 3 of



the bail petition. The appellant is in custody since 14.05.2024.

5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that there is specific allegation against the appellant for disposing the dead body of the deceased.

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 21.06.2024 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in Patahi P.S. Case No. 112 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 Special Judge, SC/ST (POA) Act, East Champaran, Motihari in Patahi P.S. Case No. 112 of 2024.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

