

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3895 of 2024**

Arising Out of PS. Case No.-101 Year-2024 Thana- SOHSARAI District- Nalanda

Niraj Kumar S/O Gautam Prasad R/O Village- Chhoti Pahari, Pahartali, P.S-
Sohsarai, District- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Munki Devi D/O Late Rajesh Paswan R/O Village- Sringarhat Pahartali, P.S-
Sohsarai, Distt- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Adv Mr.Raj Kishor Prasad, Adv Mr. Kumar Rajdeep, Adv
For the Respondent/s	:	Mr.Binay Krishna, S.PP
For the O.P. No.2	:	Mr. Bhola Prasad, Adv Mr. Indrajeet Kumar, Adv

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

ORAL ORDER

3 06-02-2025 Heard learned counsel for the appellant and learned
counsel for the informant 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 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail *vide* order dated
25.07.2024 passed by the learned Addl. Sessions Judge-VI-
Cum- Special Judge, SC/ST Act, Nalanda at Biharsharif in
connection with Sohsarai P.S. Case No. 101/2024 dated



22.04.2024 registered for the offences punishable u/s 302 read with Section 34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the informant's son Pramod Kumar had gone to Delhi with Karu Kumar to earn money. Karu left Pramod Kumar with his father and brother Niraj in Delhi and returned home. Pramod Kumar came to his house in Singharhat with Niraj Kumar on 20.04.24. But the informant did not meet her son. After staying at home for ten minutes, Pramod Kumar left with Niraj Kumar. When he did not return home at night, the informant called Niraj on his mobile number from her mobile number then he told her that Pramod is with me and we are buying clothes in Ashanagar. When Pramod did not come home, the informant called Niraj's aunt and found out that both the informant's son and Niraj had not gone to Salempur. Thereafter, the informant went to Salempur to look for her son, then Niraj started running away on seeing the informant but he was caught. When he was taken to Singharhat, Niraj jumped off from the Toto and entered the police station, which made the informant believe that Niraj Kumar, Mukesh Kumar and another unknown person have assaulted the informant's son and killed him.



4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to village politics. There is nothing against the appellant except mere suspicion. There was no enmity with the deceased. There is no eye witness of the alleged occurrence. 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. As per the post-mortem report of the deceased, the cause of death could not be ascertained, So viscera preserved and opinion reserved. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 24.04.2024.

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

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 25.07.2024 passed by the learned Addl. Sessions Judge-VI-Cum- Special Judge, SC/ST Act, Nalanda at Biharsharif in connection with Sohسرائ P.S. Case No. 101/2024 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 Addl. Sessions Judge-VI-Cum- Special Judge, SC/ST Act, Nalanda at Biharsharif in connection with Sohsarai P.S. Case No. 101/2024, 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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