

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4144 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- GOBARHIA District- West Champaran

Chandan Munda Son of Late Panna Lal Munda Resident of Village - Ward No.- 9, Dhokani Bhuarahwa Don, P.S.- Gobarahiya, District - West Champaran.

... .. Appellant/s

Versus

- 1. The State of Bihar Bihar
- 2. Rajmati Devi Wife of Bechan Mahto Resident of Village - Sherava Don, P.S.- Gobarahiya, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Prithvi Nath Mishra, Advocate
For the Respondent/s	:	Mr.Binay Krishna, S.P.P
For the Informant	:	Mr. Sachida Nand Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 19-06-2025 Heard learned counsel for the appellant, learned counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer of bail of the appellant vide order dated 20.06.2024 passed by the learned Court of Additional District and Sessions Judge-VII cum Special Judge, West Champaran, Bettiah in B.P. No. 2092/2024 in connection with Gabarahiya P.S. Case No. 04/2024 dated 22.01.2024 registered for the alleged offences punishable under Sections 376, 376A, 376D, 376DB, 302, 201 and 120B read



with Section 34 of the Indian Penal Code, Sections 3(1)(r)(s) (w), 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act and Sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, the informant has alleged that her minor daughter has gone to cut grass but she failed to return. Subsequently, her dead body was found hanging on the tree.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The appellant is not named in the FIR, the name of the appellant has sprung up on the confessional statement of the co-accused, Binod Mahto. Learned counsel has submitted that the appellant belongs to the SC/ST community, so the case under the provisions SC/ST Act is not made out. The appellant has no criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 02.03.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant by submitting that the co-accused Binod Mahto was apprehended and he gave the entire narration how the minor girl was subjected to repeated rape by the appellant and the co-accused persons in the forest.



Subsequently, they thought it proper to kill her failing which she will disclose their names. Accordingly, they killed her and hanged her dead body on the tree. The regular bail of the other co-accused person has been rejected by the Co-ordinate Bench of this court vide order dated 21.10.2024 passed in Criminal Miscellaneous No. 52353/2024. As per the Post Mortem, the cause of death is due to asphyxia due to strangulation.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 20.06.2024 passed by the learned Court of Additional District and Sessions Judge-VII cum Special Judge, West Champaran, Bettiah in B.P. No. 2092/2024 in connection with Gabarahiya P.S. Case No. 04/2024 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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