

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4284 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- MINAPUR District- Muzaffarpur

RAJESH KUMAR Son of Sitaram Prasad @ Sitaram Bhagat Resident of
Village-Chakimad, P.S.-Meenapur, District-Muzaffarpur (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. UMESH RAM Son of Narayan Ram Resident of Village-Bahbal Bazar, P.S.-
Minapur, District-Muzaffarpur (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arun Kumar, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, APP
For the Informant/s	:	Mr. Sagar Kumar, Adv. Mr. Sharod Kumar Verma, Adv.

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

ORAL ORDER

3 20-02-2025 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 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
08.08.2023 passed by the learned Special Judge SC/ST (POA)
Act, Muzaffarpur in connection with Minapur P.S. Case No.
69/2023 dated 11.02.2023 registered for the offence/s
punishable u/ss 302, 201, 120B read with Section 34 of the



Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the co-accused persons came at the door of the informant in a Car and asked his brother to come with them to have a talk, thereafter his brother sat and went with them but till late night he did not return to his house. Thereafter, the informant went to the house of the co-accused Asharfi Prasad, when the informant asked about his brother all the accused persons started abusing and assaulting him. On the next day he got information that a dead body was laying near Chakimad Ply Machine then the informant went there and found his brother's body was covered with blood and sand and his throat was slit with a sharp weapon.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the FIR. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has no concern with alleged offence. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 13.03.2023.



5. Learned Spl.P.P. for the State has vehemently opposed the prayer of bail. As per the post-mortem report of the deceased, the cause of death is due to haemorrhage and shock due to injuries caused by heavy sharp edged weapon. In para 104 of the case diary, there is a confessional statement of the appellant in which he has said that he has committed the murder and has the deceased's SIM card with him. Moreover, in Para-106 of the case diary, it is mentioned that on the basis of the confessional statement, the deceased SIM card has been recovered and a seizure list has been prepared.

6. Considering the aforesaid facts and circumstances of the case as well as the specific allegation against the appellant, I am not inclined to enlarge the appellant on bail.

7. Accordingly, the appeal stands rejected.

(Chandra Prakash Singh, J)

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