

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4262 of 2024

Arising Out of PS. Case No.-126 Year-2023 Thana- MEHANDIGANJ District- Patna

Aditya Raj @ Addi @ Aadi S/o Ajay Kumar @ Ajay Kumar Das @ Ajay Das
R/o Village- Iron Bridge (Loha ka Pul), Mansharam Ka Akhara, P.O.- Patna
City, P.S.- Mehandiganj, District - Patna, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Indradeo Prasad Son of Late Harivansh Prasad R/o Village- Mathura Bigha,
P.S.- Ekangar Sarai, Distt.- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Nityanand Mishra, Adv. Mr. Abhishek Mishra, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 03-04-2025 Heard learned counsel for the appellant 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 22.05.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar) Patna in connection with Mehadiganj P.S. Case No. 126/2023 dated 10.07.2023 registered for the offence/s punishable u/s 302, 307 read with Section 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections



3(2)(va)of the SC/ST Act.

3. As per the prosecution case, on 09.07.2023, the informant received a phone call about his son that someone has shot him and during the course of treatment, he died. It is further alleged that one Vishnu Paswan also sustained bullet injury.

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 F.I.R. The name of the appellant has sprung up in the statement of the injured, Vishnu Paswan. 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. The charge-sheet has been submitted against the appellant. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 09.12.2023. The other co-accused person has already been granted bail by this court *vide* order dated 28.02.2025 passed in Cr. Appeal (SJ) 1051/2024.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail of the appellant and submitted that as per para 25 of the case diary, the injured witness namely, Vishnu



Paswan has stated that the petitioner fired pistol which hit on the head of the deceased, Shashi Bhushan.

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 22.05.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar) Patna in connection with Mehadiganj P.S. Case No. 126/2023 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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