

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4463 of 2024

Arising Out of PS. Case No.-275 Year-2023 Thana- DANIYAWAN District- Patna

Kallu Yadav @ Vinay Kumar Son of Suresh Singh Village -Harit Bigha, PS
-Daniyawon, Distt -Patna

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Puja Devi Wife of Rakesh Chaudhary Village - Gauri Punda, PS
-Daniyawon, Distt -Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bablu Kumar
For the OP No. 2	:	Mr. Deepak Kumar Singh
For the Respondent/s	:	Mr.Sadanand Paswan

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

ORAL ORDER

4 27-03-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 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 against the rejection of prayer for bail vide
order dated 16.08.2024 passed by the learned Exclusive Special
Judge, SC/ST (POA) Act, Patna in Daniyawon P.S. Case No.
275 of 2023 dated 13.10.2023 registered for the offence/s
punishable u/ss 365, 302, 201, 120B read with section 34 of the
IPC and sections 3(1)(r)(s), 3(2)(r) of the SC/ST (POA) Act.

3. As per the prosecution case, on 12.10.2023, the



informant's husband received a call from the petitioner's mobile number then he went to meet the petitioner near Kodam Taar. Even after a long time, the informant's husband did not return, thereafter, the informant and her family members started searching for her husband, in the meantime, they found the motorcycle and purse etc. which belong to the informant's husband. Thereafter, the informant asked the petitioner about her husband but he did not reply and ran away from there.

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 SC/ST Act. There is no eyewitness to the alleged occurrence. The appellant is not present at the place of occurrence. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 07.06.2024.

5. Learned counsel for the respondent no. 2 as well as 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 informant that he called the informant's husband, namely, Rakesh Chaudhary since then her husband could not be traced and subsequently, the dead body of the informant's husband was found from the water of Budhwa Kunda in front of Samarsabul Cabin of the petitioner. It is case of last seen theory.

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 16.08.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Patna in Daniyawan P.S. Case No. 275 of 2023 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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