

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4401 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- SABAUR District- Bhagalpur

Mithun Kumar S/o- Late Raj Kumar Mandal Village- Farka PS- Sabour Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sanju Devi W/o- Radhey Paswan Village- Farka Ps- Sabour Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajive Ranjan Singh
For the Respondent/s	:	Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 07-08-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. Despite notice validly served but no one appeared on behalf of the OP No. 2.

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 02.04.2024 passed by the learned Additional District and session Judge 3rd cum Special Judge, SC/ST (POA) Act, Bhagalpur in S.T. No. 939 of 2023 arising out of Sabour P.S. Case No. 123 of 2023 dated 03.03.2023 registered for the offence/s punishable u/ss 341, 342, 323, 354B, 307, 504, 325, 506, 147, 148, 149, 302 read with section 34 of the



Indian Penal Code and 3(1)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have entered the house of the informant and started abusing by calling the caste name and they also assaulted the informant's son and disrobed the informant. It is further alleged that this appellant along with one other co-accused person assaulted the informant's son with iron rod on his head and chest due to which he sustained injuries and later on he died during the course of his treatment.

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. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this Court vide order dated 30.11.2023 passed in Cr. Appeal (SJ) No. 2782 of 2023. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 05.04.2023.



5. Learned 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 appellant.

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 02.04.2024 passed by the learned Additional District and session Judge 3rd cum Special Judge, SC/ST (POA) Act, Bhagalpur in S.T. No. 939 of 2023 arising out of Sabour P.S. Case No. 123 of 2023, 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 Additional District and session Judge 3rd cum Special Judge, SC/ST (POA) Act, Bhagalpur in S.T. No. 939 of 2023 arising out of Sabour P.S. Case No. 123 of 2023, with the condition/s:-

(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 appellants are liable to
be cancelled.

(Chandra Prakash Singh, J)

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