

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4438 of 2024

Arising Out of PS. Case No.-421 Year-2022 Thana- ALAMGANJ District- Patna

Sonu Pandit @ Sonu Kumar S/o- Naresh Pandey Resident of Village- 1-Dh
Quarter PS- Alamganj District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Prem Ravidas Son of Late Devi Ravidas Resident of Village- Maliya
Mahadev Jalla Road PS- Alamganj District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arup Kumar Chongdar
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

5 01-05-2025 Heard learned counsel for the appellant 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 02.12.2022 passed by the learned Exclusive Special Court SC/ST, Patna in Spl. Case No. 88 of 2022 arising out of Alamganj P.S. Case No. 421/2022 dated 05.06.2022 registered for the alleged offences punishable under Sections 302 read with Section 34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.



3. As per the prosecution case, on 03.06.2022, the appellant took the mobile phone of the informant's son and for returning the mobile phone on 04.06.22 Sonu Kumar called the informant's son Ajay Kumar to a deserted place behind Chailiatar mobile tower at 07.00 PM where the appellant along with 4-5 unknown miscreants assaulted the informant's son brutally and left him thinking that he was dead and ran away. Thereafter, the informant took his son to NMCH for treatment where the doctor declared him dead.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. There is no eye witness of the alleged occurrence. The appellant has three criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 11.06.2022.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant. From perusal of the F.I.R., serious allegation has been made against



the appellant that he brutally assaulted the son of the informant, as a result of which, the son of the informant died. As per para. 1,2,5,6,7,8,18,25,29 and 38 of the case diary, there are sufficient material on record which shows the involvement of the appellant in the crime alleged. It is a case of last seen theory. Earlier the bail of the appellant has been rejected by the Co-ordinate Bench of this Court vide order dated 14.09.2023 passed in Cr. Appeal (SJ) No. 1267/2023.

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 02.12.2022 passed by the learned Exclusive Special Court SC/ST, Patna in Spl. Case No. 88 of 2022 arising out of Alamganj P.S. Case No. 421/2022 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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