

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5070 of 2024

Arising Out of PS. Case No.-119 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Aman Mandal Son of Bhajjo Mandal R/O-Harijon Tola Puraini, PS-
Jagdishpur, Distt.- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Oppe Das Son of Late Jedu Das Resident of Village- Harijan Tola Puraini
P.S.- Jagdishpur, Distt.- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajive Ranjan Singh, Adv.
For the Respondent/s	:	Mr. Manoj Kumar Jha, Adv.
For the State	:	Ms.Usha Kumari 1, Spl.PP

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

ORAL ORDER

4 01-05-2025 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 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 for bail of
the appellant vide order dated 25.09.2024 passed by the learned
Additional District & Sessions Judge-III-cum-Special Judge
(SC/ST Act), Bhagalpur in connection with Jagdishpur P.S. Case
No. 119 of 2023 and Spl. SC/ST Case No. 40/2023 arising out
of Jagdishpur dated 08.03.2023 registered for the alleged
offences punishable under Sections 302, 201 read with Section



34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(1)3(2)(r)(s)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 07.03.2023 at 8.30 P.M., the appellant and the other accused persons came at the house of the informant and called his son Santosh Das to celebrate Holi. When the informant stopped them, all the accused persons took away his son forcibly. After some time, the informant started searching for his son but he did not find him. It is further alleged that on 08.03.2023 at about 6.30 A.M., the villagers were saying that after killing some one, the dead body was thrown and after hearing the same, the informant went to the place of occurrence, he saw that the dead body of his son was lying on the ground.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The name of the appellant has sprung up in the confessional statement of the co-accused, Raj Kumar which has no evidentiary value in the eye of law. There is no eye witness to the alleged occurrence. It is further submitted that there is no allegation of abusing against the appellant and hence, no offence under provisions of SC/ST Act is made out against him. No



incriminating article has been recovered from the conscious possession of the appellant. The appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 17.03.2023.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant and submitted that the bail application of the appellant and the co-accused persons have already been rejected by the Coordinate Bench of this court vide order dated Cr. Appeal (SJ) No. 3819 of 2023. Learned counsel has further submitted that during the course of investigation, the confessional statement of the co-accused, namely, Raj Kumar was recorded vide para 70 of the case diary, in which he confessed about the guilt and stated about the complicity of the appellant in commission of murder of the informant's son. Brutal murder of the deceased has been committed by the appellant along with the other co-accused persons. As per the post-mortem report of the deceased, the doctor opined that the cause of death is due to injuries caused by sharp edged cutting weapon and hard blunt objects. FSL report also corroborated with the prosecution case.

6. Considering the aforesaid facts and circumstances of



the case as well as the heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 25.09.2024 passed by the learned Additional District & Session Judge III-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Jagdishpur P.S. Case No. 119 of 2023 & S.T. No. 757/23 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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