

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5182 of 2024

Arising Out of PS. Case No.-370 Year-2024 Thana- DHAKA District- East Champaran

1. Baidhnath Mukhiya @ Vaidhanath Mukhia S/O Dukhit Mukhiya R/O Village- Bakhri Khajuri, P.S- Dhaka, Distt.- East Champaran.
2. Siyaram Mukhiya S/O Late Ramayodhya Mukhiya R/O Village- Bakhri Khajuri, P.S- Dhaka, Distt.- East Champaran.

... .. Appellants

Versus

1. The State of Bihar
2. Sunil Paswan S/O Late Musafir Paswan R/O Village- Bakhri Khajuri, Ward No. 3, PS- Dhaka, Distt.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Priyanka Singh, Advocate
For the Respondents	:	Mr. Usha Kumari 1, APP
For the Respondent No. 2:		Mr. Vikas Kumar Jha, Adv.
		Mr. Madhav Raj, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 11-09-2025 Heard learned counsel for the appellants and learned counsel for the respondent no. 2 as well as learned Special Public Prosecutor for the State.

2. Supplementary affidavit has been filed by the counsel for the appellants during course of the day which is kept on record.

3. 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 28.09.2024 passed by the learned Special Judge,



SC/ST (POA) Act, East Champaran, Motihari in Dhaka P.S. Case No. 370 of 2024 dated 31.08.2024 registered for the offence/s punishable under Sections 103(1), 238(a) read with Section 3(5) of the B.N.S., 2023 and Section 3(2) (v) of the SC/ST (POA) Act.

4. As per the prosecution case, the father of the informant used to work as a labourer under Baidhnath Mukhiya, Siyaram Mukhiya and Gopi Mukhiya. On 29.08.2024, they took his father for labour work and when he did not return at night then, he inquired about his father from them. On 31.08.2024, he was informed by the villagers that his father's dead body was lying near karamawa canal bridge then the informant reached there and he found the dead body of his father. It has been alleged by the informant that the appellants killed his father and threw him there when his father asked for his due wages from them.

5. Learned counsel for the appellants has submitted that the appellants have 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 section SC/ST Act. It is further submitted by the counsel for the appellants that there is no eye witness or evidence which can corroborate with the statement of informant in the FIR. He further submits that the appellants have merely been named as they were the employers of the victim also the presence of appellants at the place of crime scene has not been verified by the police. The appellant no. 1 has one criminal antecedent whereas appellant no. 2 has no criminal antecedent as stated in para 3 of the bail petition. The appellants are in custody since 01.09.2024.

6. 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 appellants.

7. 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 appellants, the impugned order dated 28.09.2024 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Dhaka P.S. Case No. 370 of 2024, is set aside against the appellants. The criminal appeal is allowed.

8. Accordingly, the above named appellants, are 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 Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Dhaka P.S. Case No. 370 of 2024 with the condition:-

(i) The appellants are 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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