

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5382 of 2024

Arising Out of PS. Case No.-59 Year-2023 Thana- SHEOHAR District- Sheohar

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Aman Ram @ Aman Kumar, aged about 19 years, Male, S/O Sri Ram Dayal Ram, R/O Ward No. 4, Pardeshiya @ Madhubani, Post- Pardeshiya, P.S.- Sheohar, Dist.- Sheohar. Present R/at Bisambharpur, P.S.- Tariyani Chhapra, Dist.- Sheohar- 843329.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant	:	Mr. Shashi Bhushan Singh, Advocate
For the Informant	:	Mr. Madhubala Verma, Advocate
For the Respondent	:	Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 15-05-2025 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 and 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 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail vide order dated 23.10.2024, passed by the learned A.D.J.-1-cum-Special Judge, (POCSO), Sheohar, in connection with SC/ST Case No. 10 of 2024, arising out of Sheohar P.S. Case No. 59 of 2023 dated 26.03.2023 registered for the offences punishable under Sections 363, 302, 201 read with Section 34 of the I.P.C. in



which charge sheet has been submitted for the offences punishable under Sections 363, 302, 201, 370, 120B read with Section 34 of the I.P.C. and Sections 3(2)(v)(w)(i) of the SC/ST Act, whereby the learned court below has been pleased to reject the prayer for bail of the appellant.

3. As per the prosecution case, the co-accused Pawan Sah and Aman Ram (appellant) took the aunt of the informant alongwith her 15 months old child for sanctioning loan but she did not return. After two days, the dead body of the aunt of the informant was found in the bamboo orchard of Shailendra Singh but the 15 months old child of the informant's aunt was still missing. It is further alleged that the husband of the deceased could disclose about the occurrence.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. It is further submitted that the appellant is from poor scheduled caste family and works as a daily wager at Delhi but due to village politics, he has falsely been implicated in the present case. It is further submitted that it is a case of love affair with another accused person but the informant tried his best level to save his face, maliciously and ill-intentionally implicated the appellant, his father and another accused persons



in the present case. It is further submitted that there is no eye witness to the alleged offence. The real fact is that the deceased was killed by her husband and her husband with the help of the informant threw the dead body of the deceased in the bamboo clump of Shailendra Singh. It is further submitted that the Investigating Officer has not inquired properly and not seized the weapons used in the alleged crime and has also not found 15 months child and produce before the learned court below. In fact, the child is living with his father in Delhi which shows the false statement recorded in the case. It is further submitted that the husband of the deceased was not examined well by the Investigating Officer otherwise the real facts would come in the alleged offence. The only allegation against the appellant is that he went with the main accused Pawan Sah at his call only which is false because the appellant was not present anywhere in this scenario of murder, In fact, the appellant was in Delhi where he was arrested by police. There is general and omnibus allegation against the appellant and other co-accused persons. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under SC/ST Act is made out against the appellant. It is further submitted that the other co-accused person, namely, Ramdayal Ram has already been



granted bail by a Bench of this Court in Cr. Appeal (SJ) No. 2049 of 2024 vide order dated 25.07.2024, annexed as Annexure-3 to the present memo of appeal. The appellant has clean antecedent as stated at para 3 of the memo of appeal petition. The appellant is in custody since 11.04.2023.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have vehemently opposed the prayer of bail of the appellant and have submitted that the appellant is named in the F.I.R. Learned counsel for the respondent no. 2 has further submitted that the appellant and other co-accused person took the aunt of the informant for sanctioning the loan and committed her murder and threw the dead body of the deceased in the bamboo orchard of Shailendra Singh. Learned counsel for the respondent no. 2 has further referred various paragraphs of the case diary in which several witnesses have supported the prosecution case. The postmortem report shows that the deceased was killed with knife. It is further submitted that the 15 months old child was not recovered and is still traceless.

6. Vide order dated 01.05.2025, a report regarding the present stage of trial was called for but from perusal of the office notes dated 14.05.2025, it appears that the same has not yet been received to this Court.



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 respondent no. 2, this Court is not inclined to set aside the order dated 23.10.2024, passed by the learned A.D.J.-I-cum-Special Judge (POCSO), Sheohar, in connection with SC/ST Case No. 10 of 2024, arising out of Sheohar P.S. Case No. 59 of 2023 and the same is rejected against the appellant.

8. Accordingly, the present criminal appeal stands rejected.

9. The learned court below is directed to expedite the trial of the appellant and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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