

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5460 of 2024

Arising Out of PS. Case No.-289 Year-2024 Thana- GOVINDPUR District- Nawada

Kaushal Yadav @ Kaushal Kumar Son of Ramdev Yadav @ Rama Yadav
Resident of Village-Mahakar, P.S.-Roh, District-Nawada

... .. Appellant

Versus

1. The State of Bihar Bihar
2. Shobha Devi Wife of Late Rajan Rajwanshi R/O-Village- Govindpur Dih,
P.S.-Govindpur, District-Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Adv Mr.Shankar Kumar
For the Respondent/s	:	Mr.Sadanand Paswan
For the O.P. NO. 2	:	Mr. Sunil Kumar

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

ORAL ORDER

4 20-03-2025 Heard learned counsel for the appellant, learned
counsel for the informant 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 29.10.2024 passed by the learned Exclusive Special Judge, SC/ST Nawada in connection with Govindpur P.S. Case No. 289/2024 dated 26.09.2024 registered for the alleged offences punishable under Sections 103(1) read with Section 3(5) of the B.N.S. and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, on 25.09.2024 at about 08:00 A.M., the informant's husband Rajam Rajwanshi went to



his furnace in the Aam Koliya Sarpatwa forest located in Sarkanda to distill country liquor. Where at about 3 P.M. the petitioner and the co-accused persons along with 6-7 other unknown persons who earlier used to extort money threatened the informant's husband to kill if he would not pay the money, again they came to extort money, which the informant's husband refused to give. The informant's husband said that he did not have money right now, he would give it later. Due to this, the informant's husband was beaten to death with lathi-danda and iron rod.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. There is general and omnibus allegation against the appellant. Learned counsel has submitted that the appellant is resident of another village and he has no concern either with the deceased, forest or illegal Bhathi, rather other co-accused persons are resident of same village and they are also making illegal liquor in the same forest where the deceased was making and they might have killed the deceased but unfortunately the appellant has been implicated in this case with ulterior motive. The



appellant has four criminal antecedents and he is on bail in all the aforesaid cases as stated in para 3 of the bail petition. The appellant is in custody since 28.09.2024.

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 by submitting that it is a case of extortion and murder. The appellant has accepted his involvement in the alleged incident in his confessional statement. The co-accused, Vikas Kumar @ Vikas Bedardi has also stated the involvement of the appellant in the alleged incident in his confessional statement.

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 29.10.2024 passed by the learned Exclusive Special Judge, SC/ST Nawada in connection with Govindpur P.S. Case No. 289/2024 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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