

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5741 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- NATIONAL HIGHWAY District-
Samastipur

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Sonu Singh @ Sonu Kumar @ Sonu Kumar Singh S/O Bhuneshwar Prasad
Singh @ Munna Singh R/O Village- Mohiuddinpur Rajwa, P.S- N.H Bagra,
Distt.- Samastipur (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Sita Devi W/O Late Nathuni Ram R/O Village- Rajwa, Chaksultan, P.S-
N.H. Bangra, Distt.- Samastipur (Bihar).

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Madhav Kumar, Advocate
For the State : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 12-11-2025 Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State.

2. The present appeal has been preferred by the
appellant for grant of anticipatory bail under Section 14(A)(2)
of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the order dated 28.10.2024, passed
by learned Special Judge, SC/ST (Prevention of Atrocities) Act,
Samastipur in A.B.P. No. 2790 of 2024, in connection with N.H.
Bangra P.S. Case No. 107 of 2024, whereby learned Court
below has rejected the anticipatory bail petition of the appellant.

3. As per allegation, the husband of the informant was
found to be killed and she has suspicion that the appellant has



committed murder of her husband. As per the FIR, there is previous dispute and enmity between the family of the informant and that of the accused/appellant herein.

4. Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that in the whole FIR, there is not even whisper regarding commission of the offence in terms of SC/ST Act. The whole alleged offence has nothing to do with the social status of the informant/victim. As such, SC/ST (Prevention of Atrocities) Act is not attracted in the alleged facts and circumstances of the case and anticipatory bail petition filed before the Court below was maintainable. He further submits that exception suspicion on account of previous enmity, there is no material against the appellant.

5. It is also stated in paragraph no. 2 of the petition that the appellant has not moved earlier before this Court for grant of anticipatory bail. It has further been stated in paragraph no. 3 that the appellant has no criminal antecedent.

6. However, the Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail submitting that the victim belongs to Scheduled Caste community.



7. I considered the rival submissions advanced by both the parties and perused the material on record.

8. I find that one of the ingredients for application of SC/ST Act, the alleged offence must have been committed with intent to humiliate the victim on the account of the victim being a member of the Scheduled Caste community. However, in the whole FIR, there is not even whisper that the offence of murder has been committed on account of the fact that the victim belongs to the Scheduled Caste community. As such, SC/ST Act is not applicable in the case on hand. As far as merit of the case is concerned, I find that except suspicion, there is no material in support of the prosecution case.

9. Considering the aforesaid facts and circumstances, the present appeal is allowed, setting aside the impugned order dated 28.10.2024, passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, Samastipur in A.B.P. No. 2790 of 2024, in connection with N.H. Bangra P.S. Case No. 107 of 2024, directing the appellant, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of concerned Court below, in connection with N.H. Bangra P.S. Case No. 107 of 2024, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the appellant has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the appellant.

(Jitendra Kumar, J)

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