

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.51 of 2025

Arising Out of PS. Case No.-272 Year-2024 Thana- SITAMARHI District- Sitamarhi

Sunil Kumar @ Sunil Yadav @ Chhotaka Chorwa Son of Dinesh Rai @
Dinesh Ray Resident of Village - Amghatta, P.S. - Sitamarhi, District -
Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Marchhiya Devi Wife of Shiva Paswan Resident of Village - Amghatta Ward
No.31, P.S. - Sitamarhi, District - Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Santosh Kumar, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, Spl.P.P.
For the Informant/s	:	Mr. Dwij Raj, Adv.
		Mr. Vikash Kumar, Adv.

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

ORAL ORDER

3 24-04-2025 Heard learned counsel for the appellant, learned
counsel for the informant 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
25.11.2024 passed by learned Additional Sessions Judge-1st-
cum-Special Judge, SC/ST, Sitamarhi in connection with Trial
No. 100/2024 arising out of Sitamarhi P.S. Case No. 272 of
2024 dated 22.04.2024 registered for the offence/s punishable



u/ss 302, 201 read with Section 34 of the Indian Penal Code and Sections 3(2)(iv), 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

3. As per the prosecution case, the informant along with her son went to attend a wedding at the house of Jageshwar Paswan. She returned home and she called her son on his mobile but he could not attend the call. Thereafter, she searched him but he could not be traced. In the morning, one Rajendra Paswan informed her about the dead body of her son which was lying at Railway line after cutting his neck. It is further alleged that some day ago the co-accused persons had threatened to kill and when he went outside from the house in the night all the accused persons along with unknown persons found him alone and killed her son by slitting his neck and threw the dead body on the railway track.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case due to ulterior motive. The appellant is not named in the FIR. The name of the appellant has been transpired in this case in the confessional statement of the co-accused, Triveni Kumar. No T.I.P. has been conducted by the prosecution. It is further submitted that there is no eye witness to the alleged



occurrence and the charge-sheet has already been submitted against the appellant. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 27.05.2024. The co-accused persons have been granted regular bail by this Court vide order dated 06.02.2025 passed in Cr. APP(SJ) No. 3398 of 2024.

5. Learned Spl. P.P. for the State and learned counsel for the informant have vehemently opposed the prayer of bail and submitted that as per para-88 of the case diary in which the appellant has confessed his guilt and named other co-accused as participant in the alleged occurrence and also alleged that he called the deceased for consuming ganja and thereafter the appellant and the co-accused persons Triveni Kumar and Sushil Kumar took the deceased and came near the railway line. Thereafter, the co-accused Triveni Kumar assaulted him with knife on his chest and stomach and the co-accused Sushil Kumar also assaulted him with knife. Thereafter, the appellant caught hold of his leg and the co-accused, Sushil Kumar caught hold of his hand and they slammed the deceased on the ground. Further, the co-accused Triveni Kumar killed the deceased by



slitting his neck and to destroy the evidence, the dead body of the deceased was thrown on the railway line by the accused persons due to which the dead body of the deceased cut into two pieces by a train. As per post-mortem report, it is mentioned that the cause of death is due to haemorrhage and shock leading to C.R. failure as a result neck injury caused by sharp edged weapon.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the appellant, I am not inclined to set aside the impugned order dated 25.11.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST, Sitamarhi in connection with Trial No. 100/2024 arising out of Sitamarhi P.S. Case No. 272 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned court below is directed to conclude the trial of the appellant at the earliest.

(Chandra Prakash Singh, J)

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