

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.118 of 2025**

Arising Out of PS. Case No.-655 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

Muhammad Asif Raza @ Mister Imamullah Ansari @ Munna Ansari @
Munna Ansari R/O- Ward No 3 Uttar Muhalla Village-Hussainganj Siwan
Bihar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Gopal Ram S/o- Late Nathuni Ram Village- Karmalihata Ps- Muffasil Dist-
Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Parth Gaurav, Adv.
For the Respondent/s	:	Mr. Ajay Kumar Tiwary, Adv.
For the State	:	Mr.Sadanand Paswan, Spl.PP

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

ORAL ORDER

5 31-07-2025 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 14(A)(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 26.10.2024 passed by the learned
Additional Session Judge-I-cum-Special Judge, Siwan in
connection with Siwan Muffasil P.S. Case No. 655 of 2023
dated 11.12.2023 registered for the alleged offences punishable
under Sections 341, 323, 307 read with Section 34 of the Indian
Penal Code and Sections 3(1)(r)(s)/ 3(2)(va) of the Scheduled



Castes and Scheduled Tribes Act. Later on, Section 302 was added.

3. As per the prosecution case, on 02.12.2023, when the informant's son namely, jitendra Kumar was coming to his home in village Tarwa Karbala then the appellant told him to play cricket which was denied by the informant's son. Thereafter, the appellant along with some unknown persons abused and attacked him. It is further alleged that the appellant armed with rod assaulted the informant's son causing injury to him. The informant was informed by some people regarding the said incident and then the informant reached there and his son told him the whole incident. Thereafter, the informant's son was taken to the hospital for treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The occurrence took place on 02.12.2023 but the F.I.R. was lodged on 11.12.2023 and there is no explanation for this delay. There is no eye witness to the alleged occurrence. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant is in custody since 26.10.2024. The



appellant has no criminal antecedent as stated in para 3 of the bail petition.

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 and submitted that the specific allegation is against the appellant who assaulted the informant's son with rod due to which he died during the course of treatment. During the course of investigation, as per para nos. 6,7,8 and 15 of the case diary in which the evidence also supported the prosecution case. As per the post-mortem report of the deceased, the cause of death is due to head injury sustained by the deceased.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 26.10.2024 passed by the learned Additional Session Judge-I-cum-Special Judge, Siwan in connection with Siwan Muffasil P.S. Case No. 655 of 2023 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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