

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.203 of 2025

Arising Out of PS. Case No.-88 Year-2024 Thana- Shivnarayanpur District- Bhagalpur

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1. Golu Goswami @ Saurav Kumar S/O Ajay Goswami R/O Village-Bishanpur, P.S- Shivnarayanpur, Distt.- Bhagalpur.
 2. Mithun Mandal @ Mithun Kumar S/O Dinesh Mandal R/O Village-Rampur, P.S- Shivnarayanpur, Distt.- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jay Prakash Das S/O Late Mainu Harijan R/O Village- Jaytipur Shailendra, P.S- Shivnarayanpur, Distt.- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar No.6, Adv
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP
		Mr. Ashad, Adv
		Md. Soban Ashgar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 30-03-2026 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State, Sri Binay Krishna and the learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 7-10-2024 in A.B.P. No. 2253 of 2024 passed by the learned Additional Sessions Judge-III-cum-Special Judge S.C./S.T. (POA) Act, Bhagalpur in connection with Shivnarayanpur P.S. Case No. 88 of 2024 registered for the offences punishable under Sections 105 and 3(5) of the BNS



as well as Sections 3(1)(s), 3(2)(V) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 11-7-2024 at 6:02 am, his son received a call from Golu, who asked him to be ready as he is sending someone, further at 7:59 am his son received a call from Mithun who disclosed that he is standing in front of his home, accordingly his son came out of the house and said that he is not well hence would not be able to do the work, but Mithun insisted and made him sit on his motorcycle saying that the work is less, it is next alleged that at 1:14 pm a call came on his son's mobile which was received by his daughter-in-law and the caller Sanjiv disclosed that his son fell while working and Golu along with Mithun have taken him to the hospital, accordingly the informant reached the place of occurrence along with his family members when appellants fled thinking his son dead, thus alleges based on suspicion that appellants committed the occurrence.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant based on suspicion. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the appellants and the victim (deceased) were known to each other and the appellants had called him for performing some work. It is further submitted that appellants operate a tent house and the deceased used to work as a labour with the appellants and on the date of occurrence



also in connection with some work, the appellants had called the deceased for performing some work. It is also submitted that it is not the case of the informant that it were the appellants who committed the occurrence leading to death of the victim rather the entire allegation hinges around suspicion. It is also submitted that Sanjiv called on the mobile of the deceased which was with his wife and disclosed that victim fell while working and appellants have taken him to the hospital, which amply demonstrates that if appellants were involved in the occurrence then they would not have taken the victim to the hospital for treatment.

5. The learned counsel appearing on behalf of the informant opposes the appeal and submits that no doubt informant is not an eye-witness to the occurrence and the entire allegation hinges around suspicion, but then from perusal of the allegation as alleged in the FIR, it would manifest that Golu called the victim and thereafter Mithun came to pick him up and the victim disclosed to Mithun that he was not feeling well and hence would not be in a position to perform the work, but still Mithun insisted and made the victim sit on his motorcycle and thereafter the occurrence is alleged to have taken place. It is also submitted that in the FIR, it is alleged that Sanjiv called and informed the wife of the victim that the victim fell while working and thus was taken to the hospital by the appellants, but then from perusal of the post-mortem report, it would manifest that the victim did not suffer any external injury and the FSL report records



that the victim had consumed poison, i.e., phosphate. It is next submitted that what is not in dispute rather stands admitted is that son of the informant died and there is allegation against the appellants of committing the occurrence, as such the case requires to be investigated.

6. Learned Spl. P.P. for the State also concurs with the submission made by learned counsel appearing on behalf of the informant.

7. After hearing the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory bail to the appellants.

8. Accordingly, the appeal is dismissed.

(Satyavrat Verma, J)

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