

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1473 of 2026

Arising Out of PS. Case No.-224 Year-2025 Thana- SRINAGAR District- West Champaran

Shayra Begum W/o Shakim Miyan Resident of village - Bagahai
Baghambarpur, P.S - Srinagar (Pujaha), District - West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rudal Ram S/o Late Paragan Ram Resident of village - Bagahi
Baghambarpur, P.S - Srinagar (Pujaha), District - West Champaran
3. Mumtaz Khatoon W/o Hamid Miyan Resident of village - Bagahi
Baghambarpur, P.S - Srinagar (Pujaha), District - West Champaran

... .. Respondent/s

Appearance :

For the Appellant : Mr. Umesh Chanbdra Verma, Advocate

Mr. Hemant Ray, Advocate

For the State : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-06-2026 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. This appeal has been filed for setting aside order dated 25.03.2026 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, West Champaran at Bettiah in connection with A.B.P. No. 2772 of 2025 arising out of Srinagar (Pujaha) P.S. Case No. 224 of 2025, registered for the offence punishable under Sections 103, 238, 105 and 3(5) of the B.N.S. and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, whereby the prayer for grant of anticipatory bail of this appellant has been rejected.

3. As per prosecution case, informant alleged that on 12.09.2025, all the F.I.R. named accused persons, including this appellant, killed Shiv Kumar and Tabrej Alam by strangulating them with a rope and in order to destroy the evidence, dropped their dead bodies in septic tank and also threatened the informant and others and abused them with caste based slurs.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. Informant is not an eye witness of the occurrence and only on suspicion, appellant has been made an accused in this case. On the day of occurrence, while doing the job of wiring and pipe fitting, the deceased fell into septic chamber full of toxic gas and lost their lives. *Post mortem* report does not support the prosecution case. There is no allegation of abuse by caste name and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

5. On the other hand, learned Spl. P.P. appearing for the respondent-State has vehemently opposed the prayer for



grant of bail to the appellant and submitted that appellant is named in the F.I.R. and there is specific accusation that he, along with other accused persons, killed Shiv Kumar and Tabrej Alam by strangulating them and dropped their dead bodies in septic tank in order to destroy the evidence.

6. Considering the facts and circumstances of the case, specific and direct nature of accusation and gravity of offence, appellant's prayer for grant of pre-arrest bail is rejected and this appeal is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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