

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4853 of 2025**

Arising Out of PS. Case No.-344 Year-2025 Thana- TURKAULIYA District- East Champaran

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Kundan Kumar @ Kundan Kumar Ram @ Kundan Ram S/o Bhagwan Ram
@ Shri Bhagawan Ram Resident of village - Jaisinghpur Bahurupiya, Ward
No. 09, P.S - Turkauliya, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Jagdish Ram S/o Late Ramashray Ram Resident of village - Jaisinghpur Bahurupiya, Ward No. 09, P.S - Turkauliya, District - East Champaran

... .. Respondent/s

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with
CRIMINAL APPEAL (SJ) No. 4867 of 2025

Arising Out of PS. Case No.-344 Year-2025 Thana- TURKAULIYA District- East Champaran

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Sukul ram Son of Late Mohan Ram Resident of Village - Jaisinghpur Bahurupiya, Ward no. 09, P.S. - Turkauliya, Distt. - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jagdish Ram Son of Late Ramashray Ram Resident of Village - Jaisinghpur Bahurupiya, Ward no. 09, P.S. - Turkauliya, Distt. - East Champaran.

... .. Respondent/s

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Appearance :
(In CRIMINAL APPEAL (SJ) No. 4853 of 2025)
For the Appellant/s : Mr. Abhishek Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P
(In CRIMINAL APPEAL (SJ) No. 4867 of 2025)
For the Appellant/s : Mr. Abhishek Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-06-2026 Despite valid service of notice, no one appears on behalf of Respondent No. 2.

2. Heard Mr. Abhishek Kumar, learned counsel



appearing for the appellants and Mr. Binay Krishna, learned Special Public Prosecutor for the State in both the cases.

3. This is an appeal under Sections 14(A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 04.09.2025 passed by the learned Exclusive Special Judge, SC/ST Act, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 344 of 2025, F.I.R. dated 14.07.2025 registered under Sections 190, 191(2), 191(3), 126(2), 115(2), 118(1), 117(2), 109(1), 103(1), 352, 61(2) of the B.N.S. and Sections 3(2)(v) of SC/ST (POA) Act.

4. Allegation against the appellants is that they along with other co-accused persons have assaulted the wife of the informant and during treatment she has died.

5. Learned counsel for the appellants submits that the appellants have clean antecedents and they have been falsely implicated in the present case. Although the appellants are named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act against the appellant namely, Kundan Kumar @ Kundan Kumar Ram @ Kundan Ram and there is specific allegation against the appellant namely, Sukul Ram that he along with other co-accused persons have assaulted the wife of the informant and during treatment she



has died. Learned counsel for the appellants further submits that from perusal of the postmortem report which reveals that she has received only one head injury and there is specific allegation against Lal Babu Ram who has assaulted the wife of the informant and as per provision of SC/ST Act is concerned, it appears from the F.I.R. that the occurrence had taken place at the doorstep of the informant and apart from that they are the same community and hence no case is made out under SC/ST Act. He further submits that the police after investigation submitted chargesheet against the appellants and the appellant, namely, Kundan Kumar @ Kundan Kumar Ram @ Kundan Ram is in custody since 02.08.2025 and the appellant, namely, Sukul Ram is in custody since 15.07.2025 respectively.

6. Learned Special Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the appellants.

7. Considering the facts and circumstances of the case, let the appellants, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 344 of 2025, with the following conditions :-



(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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