

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2376 of 2023

Arising Out of PS. Case No.-631 Year-2022 Thana- GAYA KOTWALI District- Gaya

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DHIRAJ KUMAR @ RAHUL @ JHILKAT @ RAHUL JHILKAT S/O
SHAMBHU PRASAD R/O Mohalla-Maharani Road, P.S.-Kotwali, District-
Gaya Appellant/s

Versus

1. THE STATE OF BIHAR
 2. ROHIT KUMAR S/O DAMODAR PRASAD R/O Mohalla-Maharani Road,
P.S.-Kotwali, District-Gaya
- Respondent/s

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Appearance :

For the Appellant/s : Mr. Priya Ranjan, Adv.
For the Respondent/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-07-2023 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This appeal under Section 14A(2) of the Scheduled
Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989
has been directed against the order dated 29.04.2023 passed by
learned Exclusive Special Judge SC/ST Act, Gaya in connection
with Kotwali P.S. Case No. 631 of 2022 registered under Sections
147, 148, 149, 341, 323 and 307 of the Indian Penal Code and
Section and Section 27 of the Arms Act and also Section 3(i)(s)(r)
of SC/ST (POA) Act, whereby the prayer for bail of the appellant
has been rejected.

The appellant along with seven others alleged to
have made firing and causing injuries to the prosecution party on
account of non-fulfillment of demand of ransom.

Learned counsel appearing for the appellant
submits that the appellant is innocent and has not committed any



offence. He further submits that according to the F.I.R., the appellant has opened fire upon Piyus Kumar @ Golu causing him gunshot injury and the injury report suggest that the injured sustained bullet injury over right upper arm and the nature of injury was not mentioned in the initial injury report. He further submits that it is clear from the injury report that the injury sustained by the injured is not over the vital part of the body. He further submits that both the parties have compromised their case and a joint compromise petition has been filed before the Court of Special Judge, SC/ST, Gaya. He further submits that the police after investigation has submitted charge-sheet in this case against the appellant. He further submits that the accusation also does not constitute any offence attracting complicity of SC/ST Act against the appellant. The appellant is rotting in judicial custody since 14.10.2022.

Learned counsel appearing for Special P.P. for the State vehemently opposed the prayer for bail of the appellant and submits that the appellant has allegedly fired upon the informant causing him bullet injury. He further submits that the appellant carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the above named appellants 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 the learned



Exclusive Special Judge, SC/ST Act, Gaya in connection with Kotwali P.S. Case No. 631 of 2022 subject to the following conditions;

(1) Appellant 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 bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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.

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

(Rajesh Kumar Verma, J)

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