

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.365 of 2025

Arising Out of PS. Case No.-257 Year-2024 Thana- MURLIGANJ District- Madhepura

Dilkhush Kumar S/O Gauri Sah @ Genu Sah @ Gainu Sah R/O Vill.-
Sahuriya, Ward no. 11, P.S.- Jankinagar, Dist.- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Munna Paswan S/O Kailu Paswan R/O Vill.- Sahuriya, Ward no. 11, P.S.-
Jankinagar, Dist.- Purnea.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr.Uday Chand Prasad
For the Respondent	:	Mr.Binay Krishna
For the Informant	:	Mr. Ranvijay Singh
		Mr. Deepak Kumar
		Mr. Ravi Shankar Kumar

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

ORAL ORDER

6 31-07-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 against the rejection of prayer for bail vide order dated
07.01.2025 passed by the learned Additional Sessions Judge-1st-
cum-Special Judge, SC/ST (POA) Act, Madhepura in B.P. No.
2964 of 2024 arising out of Murliganj P.S. Case No. 257 of 2024
dated 02.06.2024 registered for the offence/s punishable u/ss 341,
342, 323, 379, 307, 504 and 506 read with section 34 of the Indian



Penal Code and under sections 3(i)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have stopped the informant and started abusing him by calling his caste name and, in the meantime, the co-accused, Arbind Kumar pointed threenut on the informant and the appellant, Dilkhus Kumar took out money from his pocket and the co-accused Pradeep Shah assaulted him with iron rod on his head causing severe injury due to that he became unconscious, it is further alleged that another co-accused person assaulted him with threenut on his shoulder causing broken injury and they fled away by taking Rs. 50,000.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. The specific allegation of assaulting the informant with iron rod on his head is against the co-accused Pradeep Shah due to that he sustained grievous injury. The other co-accused person has already been granted bail by this court *vide* order dated 06.02.2025 passed in Cr. Appeal (SJ) No. 4282/2024. The appellant has no criminal antecedent as stated in



para 3 of the bail petition. The appellant is in custody since 05.11.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that the informant sustained grievous injury.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 07.01.2025 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Madhepura in B.P. No. 2964 of 2024 arising out of Murliganj P.S. Case No. 257 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Madhepura in B.P. No. 2964 of 2024 arising out of Murliganj P.S. Case No. 257 of 2024.

(Chandra Prakash Singh, J)

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