

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.551 of 2025

Arising Out of PS. Case No.-303 Year-2024 Thana- SURSAND District- Sitamarhi

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1. Ramji Raut @ Pappu Son of Late Hira Raut Resident of Village - Birpur, Ward No.3, P.S. - Sursand, District - Sitamarhi
 2. Karan Kumar Son of Ramji Raut @ Pappu Resident of Village - Birpur, Ward No.3, P.S. - Sursand, District - Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant : Mr. Madhubala Verma, Advocate

For the State : Mr. Binay Krishna, SPP

For the Informant : Mr. Arvind Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 17-04-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellants against the order dated 18-12-2024 passed by 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi whereby the prayer for bail of the appellant in connection with Sursand PS Case No. 303 of 2024 instituted under Sections 147,



148, 149, 342, 323, 307, 504, 506 of the Indian Penal Code, Sections 25(1-b)a, 26 & 27 of the Arms Act and Sections 3(1)(r) (s) & 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on 23.06.2024, Shambhu Rai and Shivshankar Sada were returning home after measuring land near the Polytechnic College when 17 armed accused, including the appellants, attacked them. On the orders of Surendra Rai and Amod Rai, the accused indiscriminately opened fire, causing firearm injuries to both victims. They were initially taken to Sursand Hospital and later referred to Nandipath Memorial Hospital, Sitamarhi for treatment.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. There is no specific allegation of firing levelled against the appellants, rather the same is levelled against four co-accused, including the appellants. There is general and omnibus allegation levelled against the appellant. It is submitted that injury of injured is found to be grievous in nature. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made



out against them. The appellants have no intention to disgrace the image of the informant in public view. The appellant No.1 is in custody since 12-08-2024 and appellant No.2 is in custody since 17-08-2024. Appellant No.1 is a man of clean antecedent whereas appellant No.2 bears three criminal antecedents.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 18-12-2024 passed by 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi is hereby set aside.

7. Let the appellants be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sursand PS Case No. 303 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.



(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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