

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.527 of 2025

Arising Out of PS. Case No.-257 Year-2024 Thana- DELHA District- Gaya

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1. Kaushal Kumar @ Padda Son of Satrudhan Prasad Resident of Village - Kharkhura Tarwana, P.S. - Delha, District - Gaya
 2. Dhiraj Kumar @ Gabru Son of Sintu Kumar @ Sintu Prasad Resident of Village - Kharkhura Tarwana, P.S. - Delha, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Abhishek Kumar Son of Rajendra Ravidas Resident of Mohalla - Kharkura Chamar Toli, P.S. - Delha, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shiva Shankar Sharma, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, APP
For the Informant/s	:	Mr. Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 28-03-2025 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 18.12.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Delha P.S. Case No. 257 of 2024 dated 18.10.2024 registered for the offence/s punishable



u/ss 126(2), 115(2), 109, 352 read with Section 3(5) of the BNS and Sections 3(1), 3(1)(r), 3(1)(s) and 3(2)(v) of the SC/ST (Prevention of Atrocities) Act and Section 27 of the Arms Act.

3. As per the prosecution case, the appellants are alleged to have abused the informant by taking caste name, thereafter the petitioner no.2 catch hold of his hand and the petitioner no.1 put the pistol on his chest but due to intervention of his nephew, the petitioner fired on him and also fired on the thigh of the informant.

4. Learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated in this case due to ulterior motive. It is further submitted that there is no eye witness to the alleged occurrence and the charge-sheet has already been submitted against the appellants. There is no allegation of abusing against the appellants and hence, no offence under the provisions of SC/ST Act is made out against the appellants. As per para 62 of the case dairy, the injury sustained by the injured is simple in nature. The appellants have no criminal antecedents as stated at para 3 of the bail petition. The appellants are in custody since 24.10.2024.

5. Learned counsel learned Spl. P.P. for the State and learned counsel for the informant have vehemently opposed the



prayer of bail.

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 18.12.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Delha P.S. Case No. 257 of 2024 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Delha P.S. Case No. 257 of 2024, with the condition:-

(i) That the appellants are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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