

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.616 of 2025

Arising Out of PS. Case No.-8 Year-2024 Thana- DARIGAON District- Rohtas

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Dipu Kumar Sah @ Dipu Kumar @ Dipu Sah Son of Ganga Sah @ Ganga Prasad Sah Resident of Village - Barki Karpurwa, P.S. - Darigaon, District - Rohtas

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Gopal Paswan @ Pappu Paswan Son of Rajkeshwar Paswan Resident of Village - Barki Karpurwa, P.S. - Darigaon, District - Rohtas

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Rajani Kant Singh, Adv.
For the Respondent/s	:	Mr. Ajay Kumar Tiwari, Adv.
For the State	:	Mr.Sadanand Paswan, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 19-06-2025 Heard learned counsel for the appellant, learned counsel for the informant and learned Spl. P.P. 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 against the rejection of prayer for bail of the appellant vide order dated 06.01.2025 passed by the learned Additional District and Sessions Judge-17-cum-Special Judge (SC/ST Act), Rohtas at Sasaram in connection with Darigaon P.S. Case No. 08 of 2024 dated 30.08.2024 registered for the alleged offences punishable under Sections 103(2), 61(2) read with Section 3(5) of the B.N.S. and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 29.09.2024, the informant's younger brother Saroj Kumar along with his villagers



Rakesh Kumar and Vindhyachal Kumar had gone towards By-pass on his motorcycle for some work and they were returning their house on motorcycle and when they reached near Niranjapur Kali Mandir, in the meantime, Rahul Kumar @ Bhuar Paswan and his friend Vishal Kumar @ Bhutali stopped the way then Rakesh Kumar asked the reason for the same then they both started hot talk with Rakesh Kumar then Saroj Kumar and Vindhyachal Kumar descended from motorcycle, in the meantime, the appellant and the co-accused persons reached there and the co-accused, Prithvi Paswan ordered to kill Saroj Kumar then all surrounded Saroj Kumar and Rahul Kumar @ Bhuar Paswan gave knife blow on the different part of the body of his brother due to which his brother sustained injury and blood was oozing. Thereafter, Rakesh Kumar and Vindhyachal Kumar were taken his brother to the Hospital from motorcycle but in the way, his brother died.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is no specific allegation against the appellant rather the specific allegation of assault by knife is against the co-accused, Rahul Kumar @ Bhuar Paswan. It is further submitted that there is no allegation of abusing against the appellant and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern



with the alleged offence. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 31.08.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

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 06.01.2025 passed by the learned Additional District and Sessions Judge-17-cum-Special Judge (SC/ST Act), Rohtas at Sasaram in connection with Darigaon P.S. Case No. 08 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 District and Sessions Judge-17-cum-Special Judge (SC/ST Act), Rohtas at Sasaram in connection with Darigaon P.S. Case No. 08 of 2024.

(Chandra Prakash Singh, J)

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