

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.648 of 2025

Arising Out of PS. Case No.-470 Year-2023 Thana- BAKHTIYARPUR District- Patna

Rakesh Kumar @ Raka Poshu Singh @ Push Pendwi Singh @ Pushpndra
Kumar Village- Dedour Ps-Bakhtiyarpur Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Karu Kumar S/o- Rajdeo Das Village- Champapur Siman Ps- Bakhtiyarpur
Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Lal Babu Singh Mr.Mukul Kumar
For the Respondent/s	:	Mr.Binay Krishna

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

ORAL ORDER

4 17-04-2025 Heard learned counsel for the appellant and 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, (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 06.01.2025 passed by the learned Exclusive Special Judge, SC/ST Court, Patna in connection with Bhakhtiyarpur P.S. Case No. 470 of 2023 dated 29.10.2023 registered for the offence/s punishable u/s 341, 323, 307, 379, 504, 506 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(1)(r)(s)(w) of the SC/ST Act.



3. As per the prosecution case, while the informant's brother was going home, the appellant and the co-accused persons intercepted the victim, tied him to a tree and fired bullet which hit a girl, namely Ganita Kumari. It is further alleged that a mobile phone was also snatched of the informant's brother.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per the FIR, no member of the public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. There is no specific allegation of firing against the appellant rather there is general and omnibus allegation. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 21.12.2024. The co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 24.09.2024 passed in Cr. APP(SJ). No. 2785 of 2024.

5. Learned Spl. P.P. for the State has 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 06.01.2025 passed by the learned Exclusive Special Judge, SC/ST Court, Patna in connection with Bhakhtiyarpur P.S. Case No. 470 of 2023 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 Exclusive Special Judge, SC/ST Court, Patna in connection with Bhakhtiyarpur P.S. Case No. 470 of 2023.

(Chandra Prakash Singh, J)

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