

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.841 of 2025

Arising Out of PS. Case No.-462 Year-2024 Thana- MAHARAJGANJ District- Siwan

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1. Durgesh Kumar Singh @ Durgesh Pratap Singh S/O Satyendra Kumar Singh @ Satyendra Singh Resident of vill.- Sherpur, P.S.- Daraundha, Dist.- Siwan
 2. Rishabh Pratap Singh S/O Satyendra Kumar Singh @ Satyendra Singh Resident of vill.- Sherpur, P.S.- Daraundha, Dist.- Siwan

... .. Appellants

Versus

1. The State Of Bihar.
2. Sushil Kumar Paswan S/O Bharat Manjhi Resident of vill.- Sherpur, P.S.- Daraundha, Dist.- Siwan

... .. Respondents

Appearance :

For the Appellants	:	Mr. Yogesh Chandra Verma, Sr. Adv. Ms. Kumari Anupam, Advocate
For the R. No. 2	:	Mr. Ajay Kr. Pandey, Advocate Ms. Shyama Rani, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 10-07-2025 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 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 (hereinafter referred to as “SC/ST Act”) against the refusal of prayer for anticipatory bail of the appellant vide order dated 06.01.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Court, Siwan in connection with



A.B.P. No. 2893 of 2024, arising out of Maharajganj P.S. Case No. 462 of 2024 dated 05.10.2024 registered for the alleged offences punishable under Sections 126(2), 103(1) and 61(2) read with Section 3(5) of the BNS, under Section 27 of Arms Act and under Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 04.10.2024 at about 06:00 PM, while the informant's father was going to market, in the meantime, the co-accused persons fired on him due to that he died on the spot. It is further alleged that the appellants in connivance with the other co-accused persons killed the father of informant under conspiracy.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. Learned counsel further submitted that there is no specific allegation against the appellants, rather the specific allegation of firing is against the co-accused persons Dhiraj Kumar Singh , Ankit Kumar Singh and Shivam Kumar Singh. Learned Counsel further submitted that caste name was not disclosed by anyone at the time of alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel further submitted that no



particular caste name has been called out by the appellants, hence no case is made out under SC/ST (PoA) Act. The appellant no.1 has got one criminal antecedent while appellant no. 2 has clean antecedent.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellants, the impugned order dated 06.01.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Court, Siwan in connection with A.B.P. No. 2893 of 2024, arising out of Maharajganj P.S. Case No. 462 of 2024, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/surrender before the learned Court below within a period of six weeks from today, be enlarged on anticipatory 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 1st Additional Sessions Judge-cum-Special Court, Siwan in connection with A.B.P. No. 2893 of 2024, arising out of Maharajganj P.S. Case



No. 462 of 2024, subject to the conditions mentioned in Section 482(2) of the BNSS, on further condition:

(i) The appellant no. 1 is directed to remain physically present before the learned trial Court on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the appellant no. 1 is liable to be cancelled.

(Chandra Prakash Singh, J)

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