

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.928 of 2025

Arising Out of PS. Case No.-40 Year-2024 Thana- BUNIYAD GANJ District- Gaya

Nirbhay Yadav @ Nirbhay Kumar Son of Nanhu Yadav Resident of
Village /Mohalla - Head Manpur Dihiyari, P.S. - Buniyadganj, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Tigar Kumar Son of Raja Ram Rabidas Resident of Village /Mohalla - Head Manpur, P.S. - Buniyadganj, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar Yadav, Advocate

For the Respondent/s : Ms. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 25-09-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 12.02.2025 passed by learned Exclusive Special Judge, SC/ST Gaya whereby the prayer for bail of the appellant in connection with Buniyadganj PS Case No. 40 of 2024, instituted under Sections 307, 302 & 34 of the Indian Penal Code (for short 'IPC') and Sections 3(1)(r), 3(1)(s) & 3(2) (v) of SC/ST Act was rejected.

3. The prosecution alleges that on 25.02.2024 at around 9 A.M., Ranjeet Kumar Ravidas was shot while he was at the Falgu river, and the informant found him with a gunshot



wound on the head. Two persons, Dularu Sao and Rintu Kumar, were seen fleeing the scene. The injured was taken to Anugrah Narayan Medical College, where he later died, leading to the registration of an FIR.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Appellant is not named in the FIR. The name of the appellant has transpired on the basis of confessional statement of co-accused, namely, Dular Sao. Even as per his confessional statement, there is no specific allegation of firing against the appellant. Learned counsel for the appellant further submits that the appellant has 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 him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 28.01.2025 and has 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 petitioner.

6. Considering the aforesaid facts and circumstances



of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 12.02.2025 passed by learned Exclusive Special Judge, SC/ST Gaya is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buniyadganj PS Case No. 40 of 2024.

8. Interlocutory Application/s, if any, shall stand disposed of.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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