

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1034 of 2025

Arising Out of PS. Case No.-346 Year-2024 Thana- THAWE District- Gopalganj

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Bishwajeet Kumar @ Bishawjeet Kumar S/O Rajesh Prasad Resident of
village - Goplamath, Police Station - Thawe, Dist.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shrikant Ram s/o Late Sukhram Ram Resident of village - Goplamath,
Police Station - Thawe, Dist.- Gopalganj.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Thakur Brajesh Singh, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant/s	:	Mr. Rishup, Adv.

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

ORAL ORDER

5 03-07-2025 Heard learned counsel for the appellant and learned
counsel for the informant as well as 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 against the rejection of prayer for bail vide
order dated 19.02.2025 passed by the learned Additional
Sessions Judge XI- cum Exclusive Special Judge, SC/ST (POA)
Act, Gopalganj arising out of Thawe P.S. Case No. 346 of 2024
dated 19.12.2024 registered for the offence/s punishable u/ss
103(1), 61(2), 238 read with section 3(5) of the BNS and
Sections 3(1)(r)(s), 3(2)(v) of the SC/ST (POA) Act.



3. As per the prosecution case, the co-accused persons along with 2-3 unknown miscreants are alleged to have took the informant's brother away and shot him dead. It is further alleged that few days back, the informant's brother worked at the house of the co-accused, Mukesh Kumar Singh for which Rs. 5000/- was in due and when he asked the said money, the appellant assaulted him and threatened to kill him.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the FIR. The name of the appellant has sprung up in the confessional statement of co-accused Sujit Kumar. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 21.12.2024 as stated in para-4 of the bail petition. The bail petition of the co-accused, Mukesh Kumar Singh has been rejected by this Court vide order dated 08.05.2025 passed in Cr. APP.(S.J.) No. 1208 of 2025.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the bail



petition of the appellant. It is further stated that as per para 39 of the case diary, the accused Sujit Kumar has stated that the appellant caught hold of the deceased.

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 19.02.2025 passed by the learned Additional Sessions Judge XI-cum Exclusive Special Judge, SC/ST (POA) Act, Gopalganj arising out of Thawe P.S. Case No. 346 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 Sessions Judge XI- cum Exclusive Special Judge, SC/ST (POA) Act, Gopalganj arising out of Thawe P.S. Case No. 346 of 2024.

(Chandra Prakash Singh, J)

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