

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1040 of 2025**

Arising Out of PS. Case No.-5 Year-2025 Thana- DALSINGHSARAI District- Samastipur

Neeraj Kumar @ Neeraj Kumar Mahto S/o- Late Devendra Mahto village-  
Keota Kewta W.No-1 PS- Dalsinghsarai, Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi W/o- Late Jitendra Mahto Village- Kewta Keota W.No-6, Ps-  
Dalsinghsarai Dist- Samastipur

... .. Respondent/s

**Appearance :**

|                                    |   |                            |
|------------------------------------|---|----------------------------|
| For the Appellant/s                | : | Mr. Niraj Kumar, Adv.      |
| For the Respondent/s               | : | Mr. Usha Kumari 1, Spl. PP |
| For the Informant/Respondent No. 2 | : | Mr. Alok Kumar Sinha, Adv. |

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

4      23-12-2025                      Heard learned counsel for the appellant, learned Special  
Public Prosecutor for the State and learned counsel for the informant.

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 the “SC/ST Act”) against the refusal of prayer for bail *vide* order dated 11.02.2025 passed by the learned Special Judge, SC/ST Act, Samastipur in A.B.P. No. 353 of 2025, arising out of Dalsinghsarai P.S. Case No. 05 of 2025 registered for the offences punishable under Sections 103(1), 61(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act and Sections 3(1)(r)(s) and 3(2)(va) of SC/ST Act.

3. The case of the prosecution, in brief, is that on the date of occurrence the informant was at her house when she heard some noise and when she went out from her house then she saw that her husband (deceased) Jitendra Mahto was running and when he



reached near his house from the backside lane then she saw that accused Prabhat Kumar Ray was acting as liner and was keeping a watch on the people, who were passing through the lane and accused Rahul Kumar Ray, Vikas Kumar Ray, Avinash Kumar, Niraj Kumar Mahto and Pankaj Kumar Mahto came on three motorcycles and accused Rahul Kumar Ray, Vikas Kumar Ray and Avinash Kumar took country made pistol in their hands and fired on the informant's husband as a result of which the informant's husband died on spot. Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. It is submitted that there is a specific allegation against co-accused Rahul Kumar, Vikash Kumar, Avinash Kumar, who are said to have fired on husband of the informant (deceased) due to which he died on spot. It is submitted that there is no specific allegation of firing against this appellant. It is submitted that the petitioner is agnate of the husband of the informant. It is submitted that there is civil dispute between them regarding family property. It is further submitted that there is also criminal cases pending between the parties. So far this petitioner is concerned, there is no allegation of conspirator against him. Lastly, it is submitted the appellant has one criminal case against him.

5. Learned Special Public Prosecutor for the State vehemently opposed the prayer of the appellant.



6. Learned counsel for the informant submits that the allegation against the appellant is that he is one of the conspirator in the said crime.

7. Having considered the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Samastipur in A.B.P. No. 353 of 2025, arising out of Dalsinghsarai P.S. Case No. 05 of 2025, subject to the condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. The impugned order dated 11.02.2025 passed in Anticipatory Bail Petition No. 353 of 2025 by the learned Special Judge, SC/ST Act, Samastipur is hereby set aside.

9. The appeal stands allowed.

**(Khatim Reza, J)**

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