

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1049 of 2025

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

Pankaj Kumar Mahto @ Pankaj Kumar son of Mahesh Mahto village -
Keota , Police Station - Dalsingsarai , District Samastipur

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Rekha Devi Wife of Late Jitendra Mahto village - Keota , Police Station -
Dalsingsarai , District Samastipur

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1081 of 2025

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

Vipin Kumar Roy @ Vipin Kumar Ray @ Bipin Kumar Rai Son of Late
Sitaram Roy @ Late Sita Ram Ray village- Keota, Ps- Dalsingsarai, Dist-
Samastipur

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Rekha Devi Wife of Late Jitendra Mahto village- Keota, Ps- Dalsingsarai,
Dist- Samastipur

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1049 of 2025)

For the Appellant/s	:	Mr.Mahendra Pratap
For the Respondent/s	:	Mrs.Usha Kumari 1
For the Informant/s	:	Mr. Alok Kumar Sinha
		Mr. Brajesh Sahay

(In CRIMINAL APPEAL (SJ) No. 1081 of 2025)

For the Appellant/s	:	Mr.Mahendra Pratap
For the Respondent/s	:	Mrs.Usha Kumari 1

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

ORAL ORDER

3 02-05-2025 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 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail of the appellant vide order dated 11.02.2025 passed by the learned Special Judge SC/ST (PoA) Act, Samastipur in connection with Dalsinghsarai P.S. Case No. 05 of 2025 dated 06.01.2025 registered for the alleged offences punishable under Sections 103(1), 61(2) read with Section 3(5) of the B.N.S., Section 27 of the Arms Act and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 05.01.2025 at about 17:30 hours, when the informant was at her house, she heard some noise and went out from her house. Thereafter, she saw that her husband Jitendra Mahto (deceased) was running and when he reached near his house from the backside lane then she saw that the co-accused, Prabhat Kumar Ray was acting as a liner and keeping eye on the people who were passing through the lane, in the meantime, the petitioner no.1 (Pankaj Kumar Mahto) and the co-accused persons came on three motorcycles. It is further alleged that the co-accused, Rahul Kumar Ray,



Vikash Kumar Ray and Avinash Kumar took out country made pistol in their hands and fired on the informant's husband as a result of which he died on the spot. It is further alleged that the appellant (Vipin Kumar Roy) and the co-accused Vishal Kumar Roy are the conspirators of the said occurrence.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. There is no specific allegation against the appellants rather the specific allegation of firing is against the co-accused persons Rahul Kumar Rai, Vikash Kumar Rai and Avinash Kumar. It is further submitted that there is no allegation of abusing against the appellants and hence, no offence under provisions of SC/ST Act is made out against the appellants. It is further submitted that the appellants have no concern with the alleged offence. The appellants have no criminal antecedent as stated in para 3 of the bail petition. The appellants are in custody since 07.01.2025. The co-accused person has been granted regular bail by this Court vide order dated 10.04.2025 passed in Cr. Misc. No. 1085 of 2025.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have vehemently opposed the prayer for bail of the appellant and



submitted that the informant is an eye-witness to the alleged occurrence and all the witnesses have supported the prosecution case.

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 appellants, the impugned order dated 11.02.2025 passed by the learned Special Judge SC/ST (PoA) Act, Samastipur in connection with Dalsinghsarai P.S. Case No. 05 of 2025, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are 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 Special Judge SC/ST (PoA) Act, Samastipur in connection with Dalsinghsarai P.S. Case No. 05 of 2025.

(Chandra Prakash Singh, J)

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