

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1085 of 2025

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

Prabhat Kumar Ray @ Prabhat Kumar Son of Yogeshwar Roy @ Bhola Roy
@ Yogeshwar Ray Resident of Village - Kewta, P.S. - Dalsinghsarai, District -
Samastipur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rekha Devi Wife of Late Jitendra Mahto Resident of Village - Kewta, P.S. -
Dalsinghsarai, District - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shashank Shekhar, Adv.
For the Respondent/s	:	Mr. Brajesh Sahay, Adv.
		Mr. Alok Kumar Sinha, Adv.
For the State	:	Ms.Usha Kumari 1, Spl.PP

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

ORAL ORDER

3 10-04-2025 Heard learned counsel for the appellant, 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 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 appellant was acting as a liner and keeping eye on the people who were passing through the lane and other accused 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.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is no specific allegation against the appellant rather the specific allegation of firing is against the co-accused persons. It is further submitted that there is no allegation of abusing against the appellant and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the



alleged offence. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 07.01.2025.

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

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 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 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 Special Judge SC/ST (PoA) Act, Samastipur in connection with Dalsinghsarai P.S. Case No. 05 of 2025 with the condition :-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable



*cause, the prosecution will be at liberty to move for cancellation
of his bail bond.*

(Chandra Prakash Singh, J)

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