

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1374 of 2024

Arising Out of PS. Case No.-84 Year-2023 Thana- PARBATTa District- Bhagalpur

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DULO KUMAR @ DULO MANDAL SON OF ANIL MANDAL
RESIDENT OF VILLAGE - CHHOTI PARBATTa, POLICE STATION -
ISMAILPUR, DISTRICT - BHAGALPUR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. UMESH PASWAN SON OF LATE BAIKUNTH PASWAN RESIDENT OF
VILLAGE - TIKAPATTI, POLICE STATION - TIKAPATTI, DISTRICT -
PURNEA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Praveen Kumar
For the Respondent/s	:	Mr.Usha Kumari 1
For the Resp No. 2	:	Mr. Shashi Saurav

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

ORAL ORDER

10 24-07-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 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 25.08.2023 passed by the learned Additional District
and Sessions Judge-III cum Special Judge, SC/ST (POA) Act,
Bhagalpur in connection with Special SC/ST Case No. 87 of
2023 arising out of Parbatta P.S. Case No. 84 of 2023 dated
06.05.2023 registered for the offence/s punishable u/ss 394 and



302 of the Indian Penal Code, section 27 of the Arms Act and 3(2) (v) of the SC/ST (POA) Act.

3. As per the prosecution case, while the son of the informant was returning after collecting money, in the meantime, some miscreants including the appellant stopped him and one of them fired due to that the informant's son sustained injury and thereafter he died. Thereafter, the accused persons looted his bag containing cash and mobile of the informant's son.

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 the co-accused Deepak Kumar. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that at the instances of the co-accused Deepak Kumar, looted cash and mobile phone of the deceased were recovered from his house. There is general and omnibus allegation against the petitioner. The specific allegation of firing is against the co-accused Akla Mandal. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no



member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. No TIP has been conducted by the prosecution. Similarly situated co-accused, namely, Sintu Kumar, has already been granted bail by the co-ordinate bench of this Court vide order dated 09.11.2023 passed in Cr. Appeal (SJ) No. 3388 of 2023. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 08.05.2023.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition 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 25.08.2023 passed by the learned Additional District and Sessions Judge-III cum Special Judge, SC/ST (POA) Act, Bhagalpur in connection with Special SC/ST Case No. 87 of 2023 arising out of Parbatta P.S. Case No. 84 of 2023, 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 District and Sessions Judge-III cum Special Judge, SC/ST (POA) Act, Bhagalpur in connection with Special SC/ST Case No. 87 of 2023 arising out of Parbatta P.S. Case No. 84 of 2023, with the condition/s:-

(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 bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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