

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1211 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- ARA NAGAR District- Bhojpur

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Raja @ Manish Kumar @ Manish Kumar Yadav @ Raja Yadav S/o-
Shobhnath Yadav R/o village - Bhaluhipur , P.s.- Ara town , District - Bhojpur
... .. Appellant/s

Versus

1. The State of Bihar
2. Raushan Kumar Rajak S/o- Late Bharat Prasad Rajak Village- Kage Tola
Ramgadhiya More, W.NO-26, Ps- Ara Town Dist- Bhojpur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Dharmendra Kumar Singh, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For Respondent No. 2	:	None

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 23-12-2025 Nobody appears on behalf of respondent no. 2.

Earlier notices were issued on 02.04.2025, which has been
validly served upon him.

2. Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

3. 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
06.03.2025 passed by the learned Additional Sessions Judge-Ist-
cum-Spl. Judge, SC/ST, Bhojpur at Ara in A.B.P. No. 588 of
2025 arising out of Ara(Town) P.S. Case No. 75 of 2025
registered for the offences punishable under Section 109/61(2)
of Bharatiya Nyaya Sanhita, 2023, Section 27 of the Arms Act



and Sections 3(i)(r)(s), 3(2) (va) of SC/ST Act.

4. The case of the prosecution, in brief, is that on the alleged date of occurrence after taking dinner, the informant along with his brother Shankar Kumar Rajak was walking in the lane of his house, then at about 11:30 P.M. in night, he saw that there was altercation between Pintu Samrat and Anshu Kumar then Pintu Samrat called and he went there where (1) Pintu Samrat, (2) Mukhia Yadav, (3) Sanjay Yadav (4) Raja Yadav, (5) Bajranji Yadav, (6) Vishal Kumar and three unknown persons were present. Then, Pintu Samrat abused him with caste name and told that he has taken him in target. When informant told what is his fault, then Pintu Samrat told that he would kill him, then Vishal Kumar and Sanjay Yadav instigated to kill, then (1) Pintu Samrat, (2) Mukhia Yadav, (3) Bajranji Yadav Sharma fired on him with pistol which hit on his abdomen chest, right thigh due to which he fell down with pool of blood. All the above mentioned persons fled by saying that he is died.

5. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in this case. It is submitted that the petitioner is not named in the F.I.R.. Only on the basis of suspicion, the petitioner has been made accused in this case. It is submitted that there is specific



allegation against the named accused persons mentioned in the F.I.R.. It is further submitted that there is specific allegation against Pintu Samrat, Mukhia Yadav and Bajranji Yadav Sharma, who fired at the person of the informant due to which he sustained injuries. Lastly, it is submitted the appellant has three criminal cases against him.

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

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) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ist-cum-Spl. Judge, SC/ST, Bhojpur at Ara in A.B.P. No. 588 of 2025 arising out of Ara(Town) P.S. Case No. 75 of 2025, subject to the condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, subject to the following conditions:-

1. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

8. The impugned order dated 06.03.2025 passed in connection with A.B.P. No. 588 of 2025 is hereby set aside.

9. The appeal stands allowed.

(Khatim Reza, J)

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