

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1217 of 2025

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

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1. Sanjay Yadav S/O Late Bangali Yadav R/o village- Bhaluhipur, P.S.- Ara Town, District- Bhojpur
 2. Vishal Kumar S/O Late Sita Ram Prasad R/o village- Bhaluhipur, P.S.- Ara Town, District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Raushan Kumar Razak S/O Late Bharat Prasad Razak R/O Vill.- Kage Tola, Ramgadhiya More, Ward no. 26, P.S.- Ara Town, Dist.- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bakshi S.R.P. Sinha, Sr. Adv. Mr.Dharmendra Kumar Singh,Adv. Mr. Manish Kumar Singh, Adv.
For the Respondent/s	:	Mr. Ajay Kr. Singh, Adv.
For the State		Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 15-05-2025 Heard learned counsel for the appellants, learned counsel for the respondent 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 appellants vide order dated 28.02.2025 by the learned District & Additional Sessions Judge-Ist, Bhojpur at Ara in connection with B.P. No. 539/2025 arising out of Ara (Town) P.S. Case No. 75 of 2025 dated 30.01.2025 registered for the alleged offences punishable under Sections 109 and 61(2) of the



B.N.S. and Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 29.01.2025 after taking dinner, the informant and his brother Shankar Kumar Rajak were walking in the lane of his house then at about 11.30 P.M. in night, he saw that there was altercation between the co-accused, Pintu Samrat and Anshu Kumar then the co-accused, Pintu Samrat called the informant then he went there and saw that the appellants and the co-accused persons along with three unknown persons were present there. Then the co-accused, Pintu Samrat started abusing him by calling his caste name. On being objected by the informant, the co-accused, Pintu Samrat told that he would kill him. Thereafter, the appellants instigated to kill then the co-accused persons, Pintu Samrat, Mukihia Yadav and Bajrangi Yadav Sharma fired from the pistol on him which hit his abdomen, chest and right thigh due to which he fell down with pool of blood. Thereafter, the accused persons fled away from the spot. The injured was taken to the hospital for treatment.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this



case. The occurrence took place on 29.01.2025 but the F.I.R. was lodged on 30.01.2025 and there is no explanation for this delay. 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. There is no specific allegation against the appellants rather the specific allegation of firing on the informant is against the co-accused persons. 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 is in custody since 31.01.2025.

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 appellants.

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 28.02.2025 by the learned District & Additional Sessions Judge-Ist, Bhojpur at Ara in connection with B.P. No. 539/2025 arising out of Ara (Town) P.S. Case No. 75 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) each with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-Ist, Bhojpur at Ara in connection with B.P. No. 539/2025 arising out of Ara (Town) P.S. Case No. 75 of 2025.

(Chandra Prakash Singh, J)

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