

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1530 of 2024

Arising Out of PS. Case No.-406 Year-2023 Thana- MASAUDHI District- Patna

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Vishal Kumar Soni @ Vishal Kumar Son of Dashai Prasad @ Dasai Sah R/o
Village- Saraiya near Mahavir Mandir, P.S.- Krishnagarh, District- Bhojpur

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Jay Prakash Kumar Son of Arjun Das R/o Village- Lase Bigha, P.S.-
Jehanabad, District- Jehanabad

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Awadhesh Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Binay Krishna, spl. PP
For informant	:	Mr. Vikash Kumar Pankaj, Advocate
		Mr. Rishav Dev, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-11-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 14.06.2023 passed in a case registered for the offence punishable under sections 302/606/120(B)/34 I.P.C 27 of Arms Act and 3(2) (v) SC/ST Act to set aside the order passed by Special Court SC/ST, Act whereby the prayer for anticipatory



bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely, Jai Prakash alleged that his brother Arun Kumar, had married Kavita Kumari without her family's consent, her relatives having rejected him on grounds of caste inferiority. On 13.06.2023, under the guise of reconciliation, Kavita was brought back by Arun; during the return journey, Ritwik Kumar shot brother of informant Arun in the head.

4. It is submitted on behalf of appellant that specific accusation is against co-accused Ritwik Kumar. There is no allegation of overt act against this appellant. It is further submitted that there is absolutely no allegation that this appellant abuse the informant by caste name and as such no offence under SC / ST Act is made out. Appellant claims clean antecedent.

5 . Learned special public prosecutor for the State as well as learned counsel for respondent No. 2 opposed the bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this



order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Court SC/ST, Patna Sadar, at Patna in connection with Masaurhi Police Station Case No. 406 of 2023 .

(Prabhat Kumar Singh, J)

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