

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1279 of 2025

Arising Out of PS. Case No.-581 Year-2024 Thana- BIDUPUR District- Vaishali

Dhiraj Kumar Son of Krishana Dev Ray @ Kishandev Rai village- Dhamaun,
P.S.- Patori, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Aman Kumar Son of Late Jamun Paswan village- Bahuara, P.O. -Bidupur
R.S., P.S.- Baranti (Rajapakar), District -Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ravish Mishra, Adv.
For the informant	:	Mr. Mritunjay Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP

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

ORAL ORDER

4 10-07-2025 Heard learned counsel for the appellant, learned
counsel for the informant 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 27.02.2025 passed by the learned Special Judge (SC/ST Act)-cum- Additional Sessions Judge-XI, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 581 of 2024 dated 17.09.2024 registered for the alleged offences punishable under Sections 109 read with Section 3(5) of the B.N.S. later on, Section 103(1) of the B.N.S. and Section 27 of the Arms Act were also added and Section 3(2)(v) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, three unknown miscreants ridden on a motorcycle are alleged to have shot the informant's brother on cheek near Rahimapur Petrol Pump. Thereafter, the informant's brother was taken to the hospital for treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The appellant is not named in the F.I.R. The name of the appellant has surfaced in this case from the confessional statement of the co-accused, Pawan Kumar and the appellant was remanded in this case from Bidupur P.S. Case No. 610 of 2024. 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. No any looted articles have been recovered from the possession of the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant has two criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 21.10.2024.

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 and submitted the appellant and the co-accused persons have shot the informant's brother dead. Learned counsel has further submitted that as per para 27 of the case diary, from the confessional statement of the co-accused, Pawan Kumar who confessed his guilt and also alleged that the appellant and the co-accused persons are involved in the alleged offence.

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 27.02.2025 passed by the learned Special Judge (SC/ST Act)-cum- Additional Sessions Judge-XI, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 581 of 2024, 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 Act)-cum- Additional Sessions Judge-XI, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 581 of 2024 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 bail bond of the petitioner is liable to be cancelled.*

(Chandra Prakash Singh, J)

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