

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1262 of 2025

Arising Out of PS. Case No.-287 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Dayanand Dubey @ Chhote S/O Vishwanath Dubey @ Vishvanath Dube R/O
Village- Mahuar, P.S- Bihta, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Nitish Kumar Kumar S/O Late Sita Ram Rajak R/O Village- Keshopur
Bakri, P.S- Udwantnagar, Distt.- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Samrendra Kumar Jha
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

4 03-07-2025 Heard learned counsel for the appellant and 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 08.01.2025 passed by the learned Additional sessions Judge 1st cum Special Judge, SC/ST (POA) Act, Bhojpur at Ara in B.P. No. 4996 of 2024 arising out of Udwant Nagar P.S. Case No. 287 of 2024 dated 04.07.2024 registered for the offence/s punishable u/ss 191(2), 191(3), 190, 126(2), 115(2), 109(1), 103(2) of the BNS, sections 3(I)(r)(s), 3(2)(v) of the SC/ST (POA) Act and section 27 of the Arms Act.



3. As per the prosecution case, when the informant was sitting in the orchard of the Harijan community building along with his brothers Virantan Ram, Vikash Ram, his cousin Anil Kumar, Sohan Ram and the other co-villagers. It is further alleged that the co-accused persons were already there and surrounded all of them and started firing, meanwhile, the co-accused Mala Devi exhorted the accused persons to kill the informant by calling his caste name thereafter, all the accused persons assaulted the informant and his brother Vikash Kumar with lathi, danda, iron rod and pistol and the co-accused Gopal Chaudhari assaulted Vikash with pistol on his head and he also assaulted him on his left elbow with rod and on the left hand and other parts of the body to the informant. In the mean time, the other co-accused started firing indiscriminately on the elder brother of the informant, namely, Birantan Ram causing bullet injuries to him and he died on the spot. It is further alleged that the accused persons were pressurizing to compromise the earlier case, accordingly the FIR was registered

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. It is further submitted that the petitioner is not named in the FIR. The name of the petitioner has sprung up in



the confessional statement of the co-accused Harendra Choudhary. 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. There is no specific allegation of firing against the appellant. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 05.08.2024.

5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that there is specific allegation against the appellant and the co-accused persons of firing on the informant's elder brother due to that he died on the spot.

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 08.01.2025 passed by the learned Additional sessions Judge 1st cum Special Judge, SC/ST (POA) Act, Bhojpur at Ara in B.P. No. 4996 of 2024 arising out of Udwant Nagar P.S. Case No. 287 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 Additional sessions Judge 1st cum Special Judge, SC/ST (POA) Act, Bhojpur at Ara in B.P. No. 4996 of 2024 arising out of Udwant Nagar P.S. Case No. 287 of 2024.

(Chandra Prakash Singh, J)

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