

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1325 of 2025**

Arising Out of PS. Case No.-254 Year-2020 Thana- GAYA MUFASIL District- Gaya

Nilesh kumar S/O Sunil Kumar Sharma R/O Village- Mandaul, P.O- Mira Bigha, P.S- Chakand, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dharmendra Kumar S/O Bachchu Manjhi R/O Village- Rasuna Bhuitoli, P.S- Mufassil, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Samrendra Kumar Jha
For the Resp. No. 2	:	Mr. Chandra Mohan Jha
For the Respondent/s	:	Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 10-04-2025 Heard learned counsel for the appellant and learned counsel for the respondent no. 2 as well as 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 25.02.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in B.P. No. 564 of 2025 arising out of Mufassil Gaya P.S. Case No. 254 of 2020 dated 09.07.2020 registered for the offence/s punishable u/ss 147, 148, 149, 307, 504, 506 of the Indian Penal Code, 27 of the Arms Act and section 3(2)(v)(a) / 3(1) (r) (s) of the SC/ST (POA) Act.



3. As per the prosecution case, when the informant was returning his home, an altercation was going on between two parties. It is further alleged that both sides were pelting stones and firing against each other due to which the informant and two others, namely, Upendra Kumar Gupta and Mantu Kumar sustained fire arm injury.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. 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. Similarly situated co-accused has already been granted bail by this Court vide order dated 07.07.2021 passed in Cr. Appeal (SJ) No. 1249 of 2021. There is case and counter case between the parties. The appellant is not named in the FIR. The appellant has been implicated in this case after four years of the alleged occurrence on the disclosure of one of the injured, Upendra Kumar Gupta. The injury is stated to be simple in nature. It is further submitted that the compromise has taken place between the parties. The appellant has no criminal antecedent as stated in para 3 of the



bail petition. The appellant is in custody since 18.02.2025.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

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 25.02.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in B.P. No. 564 of 2025 arising out of Mufassil Gaya P.S. Case No. 254 of 2020, 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 Exclusive Special Judge, SC/ST (POA) Act, Gaya in B.P. No. 564 of 2025 arising out of Mufassil Gaya P.S. Case No. 254 of 2020.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

