

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1298 of 2025

Arising Out of PS. Case No.-265 Year-2024 Thana- PARAIYA District- Gaya

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Awdesh Kumar @ Awadesh Kumar S/o- Lakhan Singh @ Ram Lakhan Singh
Village- Uperhuli Tola Chhakan Bigha Ps- Paraiya Dist- Gaya

... .. Appellant

Versus

1. The State of Bihar Bihar
2. Jaimani Devi S/o- Rajesh Kumar Village- Uparhuli Ps- Paraiya Dist- Gaya

... .. Respondents

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Appearance :

For the Appellant	:	Mr .Aryan Singh, Advocate
For the Respondent	:	Mrs. Usha Kumari 1, Sp.P.P
For the Respondent No. 2	:	Mr. Bhaskar Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 25-09-2025 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 09.12.2024 passed by the learned Exclusive-Special-Judge, SC/ST Act, Gaya in connection with Paraiya P.S. Case No. 265/2024 dated 19.08.2024 registered for the offence/s punishable u/s 126(2), 115(2), 118(2) and 103 read with Section 3(5) of the B.N.S. and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of



the SC/ST Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have cut the throat of the informant's husband with sharp edged weapon due to which he died on the spot. It is further alleged that prior to this incident, the appellant and the co-accused persons abused her husband by calling caste name and they threatened to kill him.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. There is general and omnibus allegation against the appellant. The appellant has three criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 21.08.2024.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail by submitting that the appellant and the co-accused persons have cut the throat of the informant's husband due to which he died.



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 09.12.2024 passed by the learned Exclusive-Special-Judge, SC/ST Act, Gaya in connection with Paraiya P.S. Case No. 265/2024 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 Exclusive-Special-Judge, SC/ST Act, Gaya in connection with Paraiya P.S. Case No. 265/2024, with further 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 bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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