

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1344 of 2025

Arising Out of PS. Case No.-287 Year-2024 Thana- CHAUSA District- Madhepura

Mukesh Ray @ Mukesh Kumar S/o Late Shankar Ray R/V Sapni (gauchhi),
PS- Alamnagar, Dist- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudha Devi W/o Late Janardan Hrishidev R/o vill - Sapni, P.S.- Fulaut,
Distt.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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

ORAL ORDER

4 24-07-2025 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 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 21.03.2025 passed by the learned Court of 1st Additional District and Session Judge-cum-Special Judge, SC/ST (POA) Act, Madhepura in B.P. No. 3179/2024 in connection with Chausa P.S. Case No. 287/2024 dated 10.11.2024 registered for the offence/s punishable u/ss 126(2), 115(2), 109(1) read with Section 3(5) of B.N.S., Section 27 of Arms Act, Section 5 of



Prevention of Witch Practices Act and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Act.

3. As per the prosecution case, the informant was sleeping in her house, in the meantime, the appellant and the other co-accused persons armed with weapon entered the house of the informant and started abusing by taking caste name, thereafter all the accused persons opened fire on her due to which she sustained three gunshot injuries. On halla, the son and daughter-in-law of the informant came then all the accused persons fled away from there.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is a land dispute between both the parties. The occurrence took place on 27.10.2024 but the FIR was lodged on 10.11.2024 i.e. the delay of 14 days and there is no explanation for this delay. The charge-sheet has been submitted against the appellant. There is no specific allegation of firing against the appellant rather the allegation against the appellant is general and omnibus in nature. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has



no criminal antecedent as stated at para 3 of the bail petition.
The appellant is in custody in this case since 16.12.2024.

5. Learned Spl.P.P. for the State has vehemently opposed the prayer of bail.

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 21.03.2025 passed by the learned Court of 1st Additional District and Session Judge-cum-Special Judge, SC/ST (POA) Act, Madhepura in B.P. No. 3179/2024 in connection with Chausa P.S. Case No. 287/2024 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 Court of 1st Additional District and Session Judge-cum-Special Judge, SC/ST (POA) Act, Madhepura in B.P. No. 3179/2024 in connection with Chausa P.S. Case No. 287/2024.

(Chandra Prakash Singh, J)

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