

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2075 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- BACHHWARA District- Begusarai

Santosh Kumar @ Bhulla S/O Ashok Ishwar @ Ashok Kumar Resident of
Village- Bharoul ,P.S- Bachhwara, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar through the Special P.P. S.C./S.T. Act BIHAR
2. Pragas Paswan Son of Late Udgar Paswan Resident of Village- Bharoul ,P.S- Bachhwara ,Dist- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Sharma, Adv.
For the State : Mr.Binay Krishna, Spl.PP

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

ORAL ORDER

3 24-04-2025 Heard learned counsel for the appellant and learned

Spl. P.P. for the State but none appeared on behalf of the

learned counsel for the respondent no. 2.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter in short referred to as the SC/ST
Act) against the refusal of prayer of bail *vide* order dated
03.04.2024 passed by the learned Court of Exclusive Special
Judge, SC/ST (PoA) Act, Begusarai in connection with G.R. No.
118 of 2023 arising out of Bachhwara P.S. Case No. 249 of 2023
dated 13.08.2023 registered for the offence/s punishable u/ss
302, 120B read with Section 34 of the Indian Penal Code and



Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the appellant and the other co-accused persons are alleged to have committed murder of the informant's son namely, Ajay Paswan.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to dirty village politics. It is further submitted that no particular caste name has been called by the appellant hence, no case is made out under SC/ST Act against him. The informant is not an eye witness of the alleged occurrence. There is general and omnibus allegation against the appellant. The specific allegation of firing on the head of the informant's son is against the co-accused, Manjit Kumar. The appellant has no concern with the alleged occurrence. The appellant has two criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 19.08.2023. The co-accused person has already been granted regular bail by this Court vide order dated 27.03.2025 passed in Cr. APP(SJ). No. 3518 of 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 03.04.2024 passed by the learned Court of Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with G.R. No. 118 of 2023 arising out of Bachhwara P.S. Case No. 249 of 2023, 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 Court of Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with G.R. No. 118/2023 arising out of Bachhwara P.S. Case No. 249 of 2023 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 bond of the petitioner is liable to be cancelled.

8. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

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