

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1768 of 2025

Arising Out of PS. Case No.-35 Year-2023 Thana- KHAJEKALA District- Patna

Md. Raja @ Md. Naushad S/o- Md. Haider @ Md. Haider Imam Mohalla-
Lala Toli More, Sadar Gali, P.S.- Khajekalan, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi W/o- Late Devi Choudhary R/o- SAdar Gali Kali Mandir
Adarsh Colony Ps- Khajekalan Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raj Krishna Jha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Arjun Prasad, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 31-07-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 26.03.2025 passed by learned Exclusive
Special Judge, SC/ST Act, Civil Court (Sadar), Patna whereby
the prayer for bail of the appellant in connection with Special
Case No. 80B/2023 Serial No. 32/2023 arising out of
Khajekalan P.S. Case No. 35 of 2023 under Sections 302, 120B,
34 of the IPC and Sections 3(1)(r)(s), 3(2)(va) of SC/ST Act was



rejected.

3. The prosecution case, in short, is that the accused persons including the appellant shot and killed the informant's husband.

4. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. Learned counsel further submitted that from perusal of the fardbeyan of the informant, it is evident that the allegation of firing has been levelled against the co-accused Md. Danish @ Shalu and Md. Shamshad @ Physco. Learned counsel further submitted that the name of the appellant has transpired in this case merely because he is the brother of co-accused Md. Danish @ Shalu. Learned counsel for the appellant further submitted that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 18.02.2025 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.



6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation of firing upon the deceased against the appellant and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 26.03.2025 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Special Case No. 80B/2023 Serial No. 32/2023 arising out of Khajekalan P.S. Case No. 35 of 2023 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case No. 80B/2023 Serial No. 32/2023 arising out of Khajekalan P.S. Case No. 35 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.



(III) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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