

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1811 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- DALSINGHSARAI District- Samastipur

Vikash Kumar Roy son of Late Bhagya Narayan @ Late Bhagya Narayan Ray, Resident of village -kewta Belbna Ward 02, PS- Dalsingh sarai, District -Samastipur.

... .. Appellant

Versus

1. The State of Bihar.
2. Rekha Devi W/o of Late Jitendra Mahto, Resident of village -Kewta Ward 06, PS- Dalsingh sarai, District -Samastipur.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Rambabu Yadav, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 10-07-2025 Heard learned counsel for the appellant, learned counsel for the informant and the learned Special Public Prosecutor appearing on behalf of 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 04.04.2025 passed by the learned Special Judge, SC/ST (PoA) Act, Samastipur, in connection with SC/ST Dalsinghsarai P.S. Case No. 05 of 2025, dated 06.01.2025 registered for the offences punishable under Sections 103(1), 61(2) read with Section 3(5) of the BNS, under Section 27 of Arms Act and under Sections 3(1)(r)(s) and 3(2)(va) of the



SC/ST (PoA) Act.

3. As per the prosecution case, on 05.01.2025 at about 17:30 hours, when the informant was at her house, she heard some noise and went out from her house. Thereafter, she saw that her husband Jitendra Mahto (deceased) was running and when he reached near his house from the backside lane, she saw that co-accused Prabhat Kumar Ray was acting as a liner and keeping eye on the people who were passing through the lane and other co-accused persons came on three motorcycles. It is further alleged that the appellant along with Rahul Kumar Ray and Avinash Kumar took out country made pistol and fired on the informant's husband, as a result of which he died on the spot.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in the present 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. There is admitted land dispute between both the parties. Similarly, situated co-accused has already been granted bail by this Court *vide* order



dated 10.04.2025 passed in Cr. App (SJ) No. 1085 of 2025. The appellant has one criminal antecedent as stated in para no. 3 of the bail petition. The appellant is in custody since 07.01.2025.

5. Learned counsel for the informant as well as learned Special Public Prosecutor for the State has vehemently opposed the bail petition of the appellant and submitted that there is direct and specific allegation against appellant that he along with Rahul Kumar Ray and Avinash Kumar opened fire on the husband of informant by means of country made pistol due to which he died on the spot.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the appellant, I am not inclined to set aside the impugned order dated 04.04.2025 passed by learned Special Judge, SC/ST (PoA) Act, Samastipur in connection with SC/ST Dalsinghsarai P.S. Case No. 05 of 2025 and accordingly, the prayer for bail stands rejected.

(Chandra Prakash Singh, J)

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