

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2167 of 2024

Arising Out of PS. Case No.-633 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

Sittu Ray @ Sittu Kumar @ Sitthu Ray, Son Of Sita Ram Ray Village-
Telgama, PS- Patory (Mohanpur OP), At Present Mohanpur, Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonu Kumar Son Of Indrajeet Paswan Village- Dashhara Tole Baraitha
Mohanpur OP, PS- Shahpur Patori, Dist.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Sinha, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, SPP

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

ORAL ORDER

5 24-04-2025 Heard learned counsel for the appellant and learned
counsel for the informant as well as 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 against the rejection of prayer for bail vide order
dated 28.03.2024 passed by the learned Court of Special Judge,
SC/ST (POA) Act, Samastipur in connection with Patory
(Mohanpur O.P.) P.S. Case No. 633 of 2022 dated 30.12.2022
registered for the offence/s punishable u/ss 147, 149, 323, 324,
307 of the Indian Penal Code, Section 27 of the Arms Act and
Section 3(1)(r) /3(2) (va)/ 3(2)(v) of the SC/ST (POA) Act,



1989.

3. As per the prosecution case, the appellant dashed the informant's mother by his bike, when she asked him to ride carefully, he fired on her due to that she sustained bullet injury on her right shoulder. It is further alleged that when the informant and his brother came to rescue his mother, the appellant called on phone the co-accused persons namely Sitaram Ray, Manish Kumar, Punai Rai, Kapil Rai, Batohi Rai and Arvind Rai and they assaulted the informant's brother with fist and legs due to which the brother of the informant got badly injured.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time alleged occurrence. No casteist remark was mentioned in the FIR, hence no case is made out under section SC/ST Act. The injury report of the victim is simple in nature as the victim did not consult any Specialist at Government Hospital. The appellant has one criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the bail



petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding some substance in the contention of the learned counsel for the appellant, the impugned order dated 28.03.2024 passed by learned Court of Special Judge, SC/ST (POA) Act, in connection with Patory (Mohanpur O.P.) P.S. Case No. 633 of 2022, 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 Special Judge, SC/ST (PoA) Act, Samastipur in connection with Patory (Mohanpur O.P.) P.S. Case No. 633 of 2022, with the 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.

(Chandra Prakash Singh, J)

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