

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2270 of 2024

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

Manjeet Kumar @ Manjeet Singh, Male, aged about 22 years, S/O Late Mahakant Ishwar, R/O Village- Bharoul, P.S- Bachhwara, Distt- Begusarai

... .. Appellant

Versus

1. The State of Bihar through the Special P.P. S.C. and S.T. (Prevention of Atrocities) Act.
2. Pragas Paswan, S/O Late Udgar Paswan, R/O Village- Bharoul, P.S- Bachhwara, Distt.- Begusarai.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Sunil Kumar Sharma, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 15-05-2025 Heard learned counsel for the appellant and learned Spl. P.P. for the State.

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 22.03.2024, passed by the learned 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 offences punishable under



Sections 302, 120B read with Section 34 of the I.P.C, Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST (POA) Act, whereby the learned court below has been pleased to reject the prayer for regular bail of the appellant.

3. As per the prosecution case, on 12.08.2023 at about 9.00 P.M., the appellant and the other co-accused persons alongwith some unknown, due to previous dispute, assaulted and abused the son of the informant after surrounding him. It is further alleged that Manjeet Kumar (appellant), Nikhil Kumar and Santosh Kumar (Bhulla) fired several times and out of which, one bullet hit on his leg, thereafter, he was thrashed on the ground. Thereafter, Shubham Kumar, Rahul Kumar (Rakta) and Shilvant Ishwar caught hold the informant's son and Manjeet Kumar (appellant) fired on his head and Sanjeet Kumar, Sajan Kumar, Ranjeet Kumar and some unknown damaged the head of the informant's son with bricks and stones. The informant's son was brought at the hospital, where he died.

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 as per the F.I.R., the deceased sustained firearms injuries on his leg and head but the medical report does not support the allegation as made in the



F.I.R. and out of three injuries, one is on xipsternum and two are on vertebra. This contradiction shows that the informant was not present at the place of occurrence at the time of alleged occurrence. Therefore, there is gross contradiction in the version of the informant and the medical report which makes the case doubtful. There is previous enmity between the parties. There is no eye witness to the alleged offence. 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. The appellant has no concern with the alleged occurrence. There is no specific allegation against the petitioner. It is further submitted that the informant as P.W. 5 in paragraph no. 6 of his cross-examination of deposition has denied to identify the petitioner. It is further submitted that the other co-accused person, Shilwant Ishwar has already been granted bail by the Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 5682 of 2023 vide order dated 21.03.2024, annexed as Annexure-3 to the present Memo of Appeal. The appellant has four criminal antecedents and in three cases he is on bail as stated at para 3 of the Memo of Appeal. The appellant is in custody since 19.08.2023.



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

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 22.03.2024 passed by learned 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 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 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)

U.K./-

U		T	
---	--	---	--

