

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1929 of 2025**

Arising Out of PS. Case No.-224 Year-2023 Thana- SARMERA District- Nalanda

Sanjeev Kumar @ Sanjeev Kumar Sonu S/o- Sanjay Prasad Village-
Jahangirpur Po- Gopalbad Ps- Sarmera Dist- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dilip Kumar S/o- Late Girdhari Das Village Po- Dhanuki Ps- Sarmera Dist-
Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rudal Singh, Adv.
For the informant	:	Mr. Rakesh Kumar, Adv.
		Mr. Pramod Kumar, Adv.
For the State	:	Mr.Binay Krishna, Spl.PP

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

ORAL ORDER

3 03-07-2025 Heard learned counsel for the appellant and

learned Spl. P.P. for 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 of
the appellant vide order dated 22.04.2025 passed by the
learned Additional Sessions Judge-VIth-cum-Special Court,
(SC/ST Act), Biharsharif, Nalanda in connection with
Sarmera P.S. Case No. 224 of 2023 dated 24.10.2023
registered for the alleged offences punishable under Sections
147, 148, 149, 341, 323, 324, 302, 325, 326, 307, 427, 504 of



the Indian Penal Code and Section 27 of the Arms Act and Sections 3(1)(r)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 23.10.2023, the informant was going to see fair at Ahiyapur and when he reached at Jahangirpur more by Auto then the appellant and the co-accused persons abused the informant by calling his caste name and also assaulted him due to which he sustained injury. The accused persons damaged his Auto by brick batting. Meanwhile, Ritesh Kumar and Kaushal Kishore Prasad who were coming from Gopalbad on their motorcycle, saw that the accused persons were assaulting the Auto driver. They intervened in the matter then the accused persons fired on them as a result of which, Ritesh Kumar sustained fire arm injury. Thereafter, local people came there then the accused persons fled away from the spot. The injured was taken to the hospital for treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is no specific allegation against the appellant rather the specific allegation against the co-accused, Banti Kumar and Prahalad Kumar who are alleged to have fired due



to which Ritesh Kumar sustained injury. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 24.12.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for 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 22.04.2025 passed by the learned Additional Sessions Judge-VIth-cum-Special Court, (SC/ST Act), Biharsharif, Nalanda in connection with Sarmera P.S. Case No. 224 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 Additional



Sessions Judge-VIth-cum-Special Court, (SC/ST Act),
Biharsharif, Nalanda in connection with Sarmera P.S. Case
No. 224 of 2023.

(Chandra Prakash Singh, J)

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