

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2040 of 2025

Arising Out of PS. Case No.-287 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Krishna Murari @ Rudra Singh S/o Sunil Singh R/o Village- Mahuar, PS-
Bihta, Distt- Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Nitesh Kumar S/o Late Sita Ram Raja R/o vill - Keshopur Bakri, P.s.-
Udwant Nagar, Distt.- Bhojpur (Ara)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeeb Kumar Sanju, Adv.

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

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

ORAL ORDER

4 09-10-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State. However, learned counsel for the respondent
no. 2 is not present despite notice is validly served upon the
respondent no. 2.

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 07.03.2025 passed by the learned Additional
District & Sessions Judge, Bhojpur, Ara in connection with Bail
Application No. 873/2025 arising out of Udwant Nagar P.S. Case
No. 287 of 2024 dated 04.07.2024 registered for the alleged
offences punishable under Sections 191(2), 191(3), 190, 126(2),
115(2), 109(1) and 103(2) of the BNS, Sections 3(1)(r)(s), 3(2)(v)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act.

3. As per prosecution case, when the informant was sitting in the orchard of the Harijan community building along with his brothers Virantan Ram, Vikash Ram, his cousin Anil Kumar, Sohan Ram and the other co-villagers. It is further alleged that the co-accused persons were already present there and surrounded all of them and started firing, meanwhile, the co-accused Mala Devi exhorted the accused persons to kill the informant by calling his caste name thereafter, all the accused persons assaulted the informant and his brother Vikash Kumar with lathi, danda, iron rod and pistol and the co-accused Gopal Chaudhari assaulted Vikash with pistol on his head and he also assaulted him on his left elbow with rod and the informant sustained injury on his left hand and left eye. In the meantime, the other co-accused persons started firing indiscriminately on the elder brother of the informant, namely, Birantan Ram causing bullet injuries to him and he died on the spot. It is further alleged that the accused persons were pressurizing to compromise the earlier case, accordingly the FIR was registered.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The appellant is not named in the F.I.R. The name of the appellant



has surfaced in this case during the course of investigation. 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 section of the SC/ST Act. The specific allegation of firing is against the co-accused namely, Harendra Choudhary, Gopal Choudhary, Ramashankar Chaudhary, Vijay Choudhary and Shivbachchan Choudhary and the allegation against the appellant is general and omnibus in nature. The co-accused person has already been granted bail by this Court vide order dated 03.07.2025 passed in Cr. Appeal (S.J.) No. 1262/2025. The appellant has two criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 17.07.2024 in Nawada P.S. Case No. 516/24 and he is remanded in this case on 31.07.2024 since then he is in the judicial custody as stated in para 4 of the bail petition.

5. Learned Special Public Prosecutor for the State has 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 07.03.2025 passed by the learned Additional District & Sessions Judge, Bhojpur, Ara in connection with Bail Application No. 873/2025



arising out of Udwant Nagar P.S. Case No. 287 of 2024, 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 District & Sessions Judge, Bhojpur, Ara in connection with Bail Application No. 873/2025 arising out of Udwant Nagar P.S. Case No. 287 of 2024 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 appellnat is liable to be cancelled.

(Chandra Prakash Singh, J)

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