

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2035 of 2025

Arising Out of PS. Case No.-699 Year-2024 Thana- MADHEPURA District- Madhepura

ASHU KUMAR @ ASHUTOSH RANA KUMAR @ AASHU S/o- Rajendra
Paswan Village- Samda W.No-13, Ps- Sourbajar Dist- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Heera Devi W/o- Late Balanand Paswan Village- Samda W.No-13, Ps- Sourbajar Dist- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Diwakar Prasad Singh, Adv.
For the informant	:	Mr. Pawan Kumar, Adv.
For the Respondent/s	:	Mr. Umanath Mishra, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 27-11-2025 Heard learned counsel for the appellant, learned counsel for the informant 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 of bail of the appellant vide order dated 22.01.2025 passed by the learned 1st Additional District & Sessions Judge -cum- Special Judge SC/ST, Madhepura in Bail Petition No. 3007 of 2024 corresponding to Madhepura (Parmanandpur O.P.) P.S. Case No. 699 of 2024 dated 24.06.2024 registered for the alleged offences punishable under Sections 302, 120B read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act and



Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, on 22.06.2024 at about 6.00 P.M., the informant's husband used to stay at the house of the second wife situated at Saur Bazar and on the next day, the informant's husband was coming to his matrimonial home situated at Dhruvpatti and when he reached near Mango orchard then five miscreants ridden on two motorcycle surrounded the informant's husband shot him dead. Thereafter, the deceased was taken to the hospital. It is further alleged that the appellant and the co-accused, Amit Paswan and Arun Yadav earlier threatened the informant's husband that they would kill him. The informant apprehends that the appellant and the co-accused persons have killed her husband.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is no eye witness to the alleged occurrence. The appellant has been made accused in this case merely on suspicion. It is further submitted that there is no allegation of abusing against the appellant 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 is in custody since 01.07.2025. The appellant has one criminal antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State and learned counsel for the informant have opposed the prayer for bail of the appellant and submitted that the specific allegation is against the appellant and the co-accused persons that they killed the informant's husband by firing on him. From perusal of the case diary in paragraphs 4, 5 and 6 have also supported the prosecution case. As per the post-mortem report of the deceased, the cause of death is Haemorrhage shock due to firearm injury.

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 22.01.2025 passed by the learned 1st Additional District & Sessions Judge -cum- Special Judge SC/ST, Madhepura in Bail Petition No. 3007 of 2024 corresponding to Madhepura (Parmanandpur O.P.) P.S. Case No. 699 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 1st Additional District &



Sessions Judge -cum- Special Judge SC/ST, Madhepura in Bail
Petition No. 3007 of 2024 corresponding to Madhepura
(Parmanandpur O.P.) P.S. Case No. 699 of 2024 with the
conditions :-

*(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.*

*(ii) The appellant is directed to cooperate in the trial
before the learned court below.*

(Chandra Prakash Singh, J)

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