

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2089 of 2025**

Arising Out of PS. Case No.-50 Year-2023 Thana- NOORSARAI District- Nalanda

Shambhu Kumar @ Aloknath @ Aloknath Kumar S/O Shri Akhilesh Prasad
R/O Village- Badki Ghoshi, Reri Tola, P.s.- Hilsa, Dist.- Nalanda, Bihar

... .. Appellant/s

Versus

1. The State Of Bihar Patna
2. Jitendra Kumar S/O Shri Ishwar Tanti R/O Vill.- Jalalpur, P.s.- Noor Sarai,
Dist.- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Saket Gupta, Adv.
For the Respondent/s	:	Mr. Majid Mahboob Khan, Adv.
For the State	:	Mr.Binay Krishna, Spl.PP

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

ORAL ORDER

3 07-08-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 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
15.05.2025 passed by the learned VIth Additional Sessions Judge,
Bihar Sharif at Nalanda in connection with Noorsarai P.S. Case
No. 50 of 2023 dated 08.02.2023 registered for the offences
punishable u/ss 147, 148, 149, 341, 323, 302, 504 of the Indian
Penal Code and u/ss 3(1)(r)(s) / 3(2)(v) of the SC/ST (POA) Act.

3. As per the prosecution case, it is alleged that the son



of the informant went out of his house with his friends Suraj Kumar and Dinesh Kumar. Further, the appellant and the co-accused persons in connivance with one another assaulted the informant's son brutally and when he was brought to Sadar Hospital, Biharsharif where the doctor declared him dead.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is no specific allegation against the appellant rather the allegation against the appellant is general and omnibus in nature. 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 SC/ST Act. The appellant has no concern with the alleged offence. The co-accused person has already been granted bail by this court vide order dated 17.05.2024 passed in Cr. Appeal (SJ) No. 5375/2023. The appellant has three criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 25.02.2025.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant and submitted that the appellant and the co-accused person have brutally assaulted the informant's son due to assault, he died during the course of treatment. As per the post-mortem report of the deceased, the cause of death is hemorrhage



and shock caused by hard and blunt substance.

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 15.05.2025 passed by the learned VIth Additional Sessions Judge, Bihar Sharif at Nalanda in connection with Noorsarai P.S. Case No. 50 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 VIth Additional Sessions Judge, Nalanda at Bihar Sharif in connection with Noorsarai P.S. Case No. 50 of 2023. with the condition/s:-

(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 bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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