

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2470 of 2025

Arising Out of PS. Case No.-161 Year-2023 Thana- KHIRI MORE District- Patna

Sushil Kumar Son of Late Judagir Saw Village- Imamganj, P.S. -Imamganj,
Dist-. Patna

... .. Appellant/s

Versus

The State of Bihar bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raj Kumar Sinha
For the Respondent/s	:	Mr.Binay Krishna
For the Resp No. 2	:	Ms. Khusi Awadh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 09-10-2025 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 17.05.2025 (wrongly mentioned as 17.05.2024) which was later on corrected vide order dated 27.05.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Special Case No. 29/2024 (Serial No. 396/23) arising out of Khirimore (Imamganj) P.S. Case No. 161 of 2023 dated 24.10.2023 registered for the alleged offences punishable under Sections 302, 120B, 341, 323 read with Section 34 of the Indian Penal Code and Section 27 of



the Arms Act and Sections 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. As per prosecution case, on 24.10.2023, the petitioner, Sushil Kumar came to the house of the informant and took the informant's husband away with himself to his house. Thereafter, the informant's neighbour Sujit Paswan came and informed her that someone had shot her husband in the house of the co-accused, Sushil Kumar. The informant reached the place of occurrence, she found her husband in senseless condition and blood started oozing out. Further, police came and brought the informant's husband to the hospital where he was declared dead. After the incident of the alleged occurrence, the accused persons assaulted the informant and her family members. It is suspected that the informant's husband was killed by the appellant and the co-accused persons.

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. There is no allegation of abusing against the appellant hence, no offence under provisions of SC/ST Act is made out against him. As per the supplementary affidavit filed on behalf of the appellant, the informant including the two prosecution witnesses has not



supported the prosecution case in the examination-in-chief. There is no specific allegation against the appellant and the appellant has no concern with the alleged offence. The appellant has no criminal antecedent. The appellant is in custody since 26.10.2023.

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 by submitting that the bail application of the appellant has earlier been rejected by this court vide order dated 12.09.2024 passed in Cr. Appeal (SJ) No. 2571 of 2024.

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 17.05.2025 (wrongly mentioned as 17.05.2024) which was later on corrected vide order dated 27.05.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Special Case No. 29/2024 (Serial No. 396/23) arising out of Khirimore (Imamganj) P.S. Case No. 161 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 Act, Patna in connection with Special Case No. 29/2024 (Serial No. 396/23) arising out of Khirimore (Imamganj) P.S. Case No. 161 of 2023 with the condition :-

(i) The petitioner 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.

(Chandra Prakash Singh, J)

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