

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2462 of 2025

Arising Out of PS. Case No.-408 Year-2024 Thana- DAWATH District- Rohtas

Sikandra Kumar @ Sikendra Kumar @ Sikandra Kumar S/O Sukhari Ram
R/O Vill.- Jagodhra, P.s.- Dawath, Kachhwa, Dist.- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravish Kumar S/O Nagendra Paswan @ Nagendra Kumar R/O Vill.-
Jagodhra, P.s.- Dawath, Dist.- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Ms. Ojaswee Kumari, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 04-09-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 04.04.2025 passed by learned Additional district and Sessions Judge-17-cum-Special Judge, SC/ST, Sasaram, Rohtas whereby the prayer for bail of the appellant in connection with Dawath P.S. Case No. 408 of 2024 under Sections 126(2), 115(2), 109, 3(5) of the Bharatiya Nyaya Sanhita, 2023, later on Section 103(2) of the Bharatiya Nyaya Sanhita, 2023 was added, read with Section 27 of the Arms Act, Sections 3(1), 3(2), 3(2)(v), 3(1)(r), 3(1)(s) of SC/ST Act was rejected.



3. Prosecution case, in short, is that the appellant along with other co-accused person allegedly shot informant's brother in the stomach.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that the allegation levelled against the appellant is not specific rather the same is general and omnibus in nature. The informant and appellant are co-villagers and the appellant has been falsely implicated in this case on the basis of suspicion. It is next submitted that specific allegation of firing is against co-accused, namely, Ranjan Kumar. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 28.02.2025 and has got no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.



6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 04.04.2025 passed by learned Additional district and Sessions Judge-17-cum-Special Judge, SC/ST, Sasaram, Rohtas is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dawath P.S. Case No. 408 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

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