

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2496 of 2025**

Arising Out of PS. Case No.-187 Year-2025 Thana- ALOULI District- Khagaria

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Rakesh Kumar S/o- Bilakshan Rai @ Bilakshan Mahto Village- Sanokhar  
W.No-3, Ps- Alauli Dist- Khagaria ... .. Appellant/s

Versus

1. The State of Bihar
2. Prince Kumar S/o- Gandauri Chaudhary Village- Agar Ps- Simri  
Bakhtiyarpur Dist- Saharsa P/A- Sanokhar W.No-13, Ps- Alauli Dist-  
Khagaria

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ram Sumiran Rai, Advocate  
For the Respondent/s : Ms. Usha Kumari 1, Spl PP

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

ORAL ORDER

4      25-09-2025                      Heard learned counsel for the appellant and learned  
counsel for the informant 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, 1989 (hereinafter in short referred to as the  
SC/ST Act) against the refusal of prayer of bail vide order dated  
03.06.2025 passed by the Court of learned Additional Sessions  
Judge-1st-cum- Special Judge (SC/ST), Khagaria in connection  
with Alauli P.S. Case No. 187 of 2025 Dated 05.05.2025  
registered for the offence/s punishable u/ss 352, 351(2), 351(3)  
of B.N.S. and Sections 3(i)(r)3(i)(s) of SC/ST Act, Section  
25(1-b)(a) 26 of Arms Act and Section 37 of Bihar Prohibition



and Excise Act.

3. As per the prosecution case, the informant alleges that one Rakesh Kumar came with pistol in drunken condition and started abusing him and also demanded Neera as ransom. When he raised alarm, his elder brother Raja Kumar and villagers came there and with the help of them the accused person was caught and handed over to the police. Further, tested with the breath analyzer machine, 271mg.100 ml alcohol was found in his body.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Nothing has been recovered from the conscious possession of the appellant. No independent witness has been examined whereas several villagers were there at the time of occurrence. The appellant has no concern with the alleged offence. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody in this case since 06.05.2025.

5. Learned Spl.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

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 03.06.2025 passed by the Court of learned Additional Sessions Judge-1st-cum- Special Judge (SC/ST), Khagaria in connection with Alauli P.S. Case No. 187 of 2025 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 Sessions Judge-1st-cum- Special Judge (SC/ST), Khagaria, Gaya in connection with Alauli P.S. Case No. 187 of 2025.

**(Chandra Prakash Singh, J)**

Raj Ranjan/-

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