

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2516 of 2025

Arising Out of PS. Case No.-148 Year-2024 Thana- GWALPARA District- Madhepura

Shivan Mandal @ Siban Mandal son of Yogendra Mandal R/o Village-
Shayam P.S- Gwalpara District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Shobha Kumari Wife of Binod Kumar Village- Phulwariya, Ward no. 13, ps-
Gwalpara, Dist- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Bimal Kumar Jha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P. Mr. Pawan Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 18-12-2025 Heard learned counsel for the appellant, respondent
no. 2 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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 30.05.2025 in B.P. No. 1251 of 2025 arising out of Gwalpara P.S. Case No. 148 of 2024 passed by the learned District and Additional Sessions Judge, 1st cum Special Judge, SC/ST (POA)



Act, registered for the offences punishable under Sections 126, 127 (2), 109, 3 (5) of the BNS and also under Section 27 of the Arms Act and later on Section (3) (2) (v) of the SC/ST (Prevention of Atrocities) Act and under Section 103 (1) of the BNS.

3. The case of the prosecution, in short, when the informant was going to school on a bike, two persons riding on another bike over took and intercepted him. The pillion rider got down from the bike, took out a pistol and fired at him. The bullet hit on the informant's right side of the stomach and exited from the back whereafter they ran towards the village.

4. Learned counsel for the appellant submits that from perusal of the FIR, it is clear that the name of the appellant do not find mention therein. During the course of investigation, Shivam Kumar and Manish Thakur are alleged to have made confessional statements in which they named the present appellant. It is further submitted that even in the said confessional statement, there is no allegation that this appellant fired at the deceased rather it has been stated that one Raja fired the shot. It is further submitted that save and except the confessional statement, there is no incriminating material against this appellant. It is also submitted that co-accused



persons namely, Kalim Miya @ Md. Kalim Khan @ Md. Kalim and Anil Kumar Bharti have been refused bail by a learned co-ordinate Bench of this Court passed in Cr. Appeal (SJ) Nos. 1156 of 2025 and 1122 of 2025 vide order dated 15.05.2025 and 24.07.2025 respectively. However, the case of the present appellant stands on a different footing. It is lastly submitted that the appellant has been languishing in judicial custody since 04.02.2025.

6. Learned counsel for the respondent no. 2 has also conceded to the argument that even in the confessional statement, there is statement that one Raja has fired the shot.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 30.05.2025 in B.P. No. 1251 of 2025 arising out of Gwalpara P.S. Case No. 148 of 2024 passed by the learned District and Additional Sessions Judge- 1st cum Special Judge, SC/ST (POA) Act, Madhepura in connection with in B.P. No. 1251 of 2025 in connection with Gwalpara P.S. Case No. 148 of 2024 is hereby set aside and the appellant above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the District and Additional Sessions Judge- 1st cum Special



Judge, SC/ST (POA) Act, Madhepura in connection with
Gwalpara P.S. Case No. 148 of 2024.

8. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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