

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3152 of 2024**

Arising Out of PS. Case No.-1034 Year-2022 Thana- MADHEPURA District- Madhepura

Prahlad Kumar @ Pralad Kumar Son of Nandkishor Mandal, Resident of Village - Bhelwa, Ward No. 4, P.S. and District - Madhepura.

... .. Appellant

Versus

1. The State of Bihar.
2. Chaukidar 5/3 Pradip Paswan Son Of Baijnath Paswan, Resident Of Village - Sakhua (Bhelwa), P.S. And District - Madhepura, Presently Posted At Sadar Police Station, Madhepura.

... .. Respondents

**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Appellant/s  | : | Mr. Ashwani Kumar Tiwary, Advocate |
| For the Informant    | : | Mr. Ramesh Kumar Singh, Advocate   |
| For the Respondent/s | : | Ms. Usha Kumari 1, Spl. P.P.       |

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

ORAL ORDER

6      10-04-2025                      Heard learned counsel for the appellant, learned counsel for the informant and the learned Special Public Prosecutor appearing on behalf of 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 for bail *vide* order dated 19.04.2024, passed by the learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST (PoA) Act, Madhepura in B.P. No. 732 of 2024, arising out of Madhepura P.S. Case No. 1034 of 2022, dated 28.10.2022, SC/ST case No. 16 of 2023, registered for the offences



punishable under Sections 302 and 216 of the Indian Penal Code read with Section 34 of the Indian Penal Code and under Section 27 of Arms Act. Later on Sections 3(i)(r)(s) and 3(2)(va) of SC/ST (PoA) Act were added *vide* Supplementary Chargesheet No. 554 of 2023, dated 20.10.2023.

3. As per the prosecution case, during an idol immersion ceremony at Bhelwa, the informant and one chaukidar who were posted there tried to stop two persons namely, Prahlad Kumar (petitioner) and Bikku Kumar who were riding on a motorcycle. It is further alleged that the said persons also called other persons and one Amit Ram shot on the *chaukidar* who died on the spot and Bikku Kumar opened fire on the informant who somehow survived.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in the present case due to ulterior motive. Learned counsel next submitted that from perusal of the FIR it appears that except the scuffle with the deceased no other allegation is attributed against the appellant, hence no case is made out against him under Section 302 of the Indian Penal Code and under Section 27 of Arms Act and no any incriminating articles have been recovered either from the possession of the appellant or from his house. Learned counsel



has further submitted that from perusal of the FIR it also appears that allegation of abusing the deceased by calling his caste name was not labelled against the appellant, hence no case is made out against the appellant under SC/ST Act. Learned counsel next submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court *vide* order dated 19.05.2023 passed in Cr. Misc. No. 20231 of 2023 and Cr. Misc. No. 21034 of 2023. The appellant has one criminal antecedent as stated in paragraph no. 3 of the bail petition. The appellant is in custody since 03.08.2023.

5. Learned counsel for the informant as well as learned Special Public Prosecutor for the State has vehemently opposed the bail petition of the appellant.

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 19.04.2024, passed by learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST (PoA) Act, Madhepura, in connection with B.P. No. 732 of 2024, arising out of Madhepura P.S. Case No. 1034 of 2022, SC/ST case No. 16 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 only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST (PoA) Act, Madhepura in connection with B.P. No. 732 of 2024, arising out of **Madhepura P.S. Case No. 1034 of 2022**, SC/ST case No. 16 of 2023.

(Chandra Prakash Singh, J)

Shahnawaz/-

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