

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2652 of 2025**

Arising Out of PS. Case No.-7 Year-2017 Thana- PAKRIDAYAL District- East Champaran

Kundan Kumar @ Kundan Singh S/O Uday Narayan Singh Resident of
Village- Ajgari, P.S- Pakridayal, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nandu Prasad S/O Late Madan Prasad R/O Village- Pakaridayal, P.S-
Pakaridayal, Distt.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Adv. Mr. Harsha Shashwat, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, Spl.P.P.
For the Informant/s	:	Mr. Surendra Kumar Mishra, Adv.

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

ORAL ORDER

3 30-10-2025 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
29.05.2025 passed by the learned Exclusive Special Judge,
SC/ST (POA) Act, East Champaran, Motihari in connection
with Pakaridayal P.S. Case No. 07 of 2017 dated 19.01.2017
registered for the offence/s punishable u/ss 302, 326, 307, 458,



120B of the Indian Penal Code, Section 27 of Arms Act and Section 3(2)(v)A of SC/ST Act.

3. As per the prosecution case, when the informant was discharging his business transaction with his business partner at Jaishwal Trading Company and his son and other people were also sitting there. In the meantime, four miscreants riding on two motorcycles came in front of his shop and resorted to indiscriminate firing from A.K.-47 which caused fire arm injury to Chuman Prasad son of the informant, Manoj Kumar, Subodh Paswan and Radheshyam out of which Chuman Prasad and Subodh Paswan was declared dead by the doctor and Manoj Kumar died during the course of treatment.

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 TIP has been conducted by the prosecution. The appellant is not named in the FIR. The name of the appellant has sprung up in this case in the confessional statement of co-accused Niranjana Singh, who has been granted regular bail by the Co-ordinate Bench of this Court vide order dated 14.07.2017 passed in Cr. App.(S.J.) No. 1439 of 2017. It is further submitted that there is no specific allegation of firing



against the appellant rather the allegation against the appellant is general and omnibus in nature. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has six criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 21.05.2025.

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 29.05.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Pakaridayal P.S. Case No. 07 of 2017 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 (POA) Act, East Champaran, Motihari in connection with Pakaridayal P.S. Case No. 07 of 2017, with a condition:-



(i) The appellant 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 bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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