

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2791 of 2025

Arising Out of PS. Case No.-251 Year-2024 Thana- NAWANAGAR District- Buxar

Niraj Pradhan, Male, aged about 42 years, S/o- Narad Pradhan @ Narad Muni Pradhan, resident of Village- Parsaganda, P.O.- Khandricha, P.S.- Sikraul, Dist- Buxar

... .. Appellant

Versus

1. The State of Bihar
2. Kamlawati Kumari, Female, aged about 38 years, W/o- Azad Paswan, resident of Village- Parsaganda, P.O.- Khandricha, P.S.- Sikraul, Dist- Buxar

... .. Respondents

Appearance :

For the Appellant	:	Mr. Radha Mohan Singh, Advocate, Mr. Abhishek Kumar Pandey, Advocate, Mr. Kumar Satyam, Advocate and Mr. Prakash Raj, Advocate
For the Respondent No. 2 :		Mr. Abhash, Advocate, Mr. Pradham Murli Manohar Prasad, Advocate and Mr. Raju Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 09-10-2025 Heard learned counsel for the appellant, learned counsel for the 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 in short referred to as the ‘SC/ST Act’) against the refusal of prayer of bail of the appellant vide order dated 29.01.2025, passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (P.O.A.) Act, Buxar in connection with Nawanagar P.S. Case No. 251 of 2024 dated 08.08.2024 in SC/ST Case No. 98 of 2024 registered for the offences punishable under



Sections 190, 191(2), 191(3), 115(2), 126(2), 109, 352, 351(2) of the B.N.S., 2023 and Section 27 of the Arms Act. Later on, Sections 103(1) of the B.N.S., 2023 and Sections 3(1)(r)(s) and 3(2)(v) of the SCT/ST (POA) Act, were also added.

3. As per prosecution case, the informant, Kamlawati Kumari, gave her fardbeyan before S.I. in 'Shanti Memorial Hospital', Babu Bazar, Ara, in front of her husband, namely, Azad Paswan, who was lying in an injured condition, that on 07.08.2024 in the morning, the informant's husband told her that he was going to Dumraon for the purpose of work by taking his motorcycle and proceeded from the house. The informant has no knowledge about the registration number of the motorcycle. It is further alleged that at about 10.30 A.M., the informant got an information from the villagers that her husband was shot. Thereafter, the informant and her family members reached the place of occurrence and saw that her husband was lying in a pool of blood. The informant's husband sustained injuries in his left chest, right thigh, left leg and head. The informant inquired about it then the informant's husband in injured condition disclosed that there were six persons on two motorcycles namely Sonu Tiwari, Lallu Tiwari, Neeraj Pradhan (appellant), Navin Pradhan and Jangali Pradhan overtook and stopped the motorcycle of the informant's husband on the point of pistol. They started indiscriminate firing on the informant's husband causing injuries to him. Thereafter, the informant's husband was taken to the hospital for



treatment. The informant's husband is not in a position to speak, due to which, informant's fardbeyan was recorded before S.I. of Basudewa O.P.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further submitted that the deceased was a Naxalite and previously he was also the Area Commander of the Maoist Organization and there are eleven criminal cases of murder, robbery, arms and arson pending against him. It is further submitted that Vikas Paswan has not seen the accused persons including the appellant firing on the deceased despite the fact that he was riding the motorcycle and the deceased was sitting behind. It is further submitted that as per para 72 of the case diary, the informant in her re-statement recorded on 25.08.2024 at about 2.05 P.M., has stated that she got the information about the incident through her father-in-law on mobile phone but in the fardbeyan, she has stated that she had received the information about the incident by the co-villager which is itself contradictory. The appellant was not present at the place of occurrence and the entire F.I.R. is based on suspicion and even there is no independent eye witness to the alleged offence. There is no specific allegation of firing against the appellant. There is general and omnibus allegation against the appellant. There is no castiest remark alleged against the appellant. It is further submitted that no member of public was present at the relevant point of time of



the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellant. The other co-accused person, namely, Sonu Tiwari, has already been granted bail by a Bench of this Court in Cr. Appeal (SJ) No. 1094 of 2025 vide order dated 26.06.2025. The appellant has clean antecedent as stated in paragraph no. 3 of the Memo of Appeal. The appellant is in custody in this case since 28.01.2025.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant. Learned counsel for the respondent no. 2 has submitted that the appellant alongwith the other co-accused persons fired on the deceased, due to which, he died. Learned Spl. P.P. for the State has further submitted that in paragraph nos. 287 and 288 of the supplementary case diary, it has come that the appellant is involved in the alleged crime.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 29.01.2025, passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Buxar, in connection with Nawanagar P.S. Case No. 251 of 2024 in SC/ST Case No. 98 of 2024, 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-1-cum-Special Judge, SC/ST (POA) Act, Buxar in connection with Nawanagar P.S. Case No. 251 of 2024 in SC/ST Case No. 98 of 2024 with further 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.

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(Chandra Prakash Singh, J)

