

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3707 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- BACHHWARA District- Begusarai

Sanjeet Kumar @ Sanjit Kumar son of Ram Nath Ishwar Vill- Bharoul PS-
Bachhwara Distt -Begusarai

... .. Appellant/s

Versus

1. The state of bihar through the special P.P. S.C. and S.T. (Prevention of ATrocities) Act bihar
2. Pragas Paswan son of late Udgar Paswan Village- Bharoul, Ps- Bachhwara, Dist- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sunil Kumar Sharma Ms. Shefali Sharma, Adv.
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 03-04-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. However, learned counsel for the Resp No. 2 has not appeared despite the notice has validly been served.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 15.05.2024 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with Bachhwara P.S. Case No. 249 of 2023 dated 13.08.2023 registered for the



offence/s punishable u/ss 302, 120B read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST (PoA) Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have surrounded the informant's son namely, Ajay Paswan and started abusing and assaulting him due to previous enmity. Thereafter, the co-accused persons, Manjeet Kumar, Nikhil Kumar, Santosh Kumar fired on the informant's son due to which he sustained gunshot injury on his leg and he fell down. The co-accused, Shubham Kumar, Rahul Kumar and Shilwant Ishwar caught hold of the informant's son and the co-accused, Manjeet Kumar fired on his head. Thereafter, the accused persons crushed the head of the informant's son with brick and stone due to which he sustained injury. The injured was taken to the hospital for treatment where the doctor declared him dead.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to dirty village politics. It is further submitted that no particular caste name has been called by the appellant hence, no offence under the provision of SC/ST Act is made out against him. The informant is not an eye witness to the alleged occurrence. There



is general and omnibus allegation against the appellant. The specific allegation of firing on the head of the informant's son is against the co-accused, Manjit Kumar,. The appellant has no concern with the alleged occurrence. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 16.10.2023. The co-accused has been granted regular bail by this Court vide order dated 27.03.2025 passed in Cr. APP(SJ). No. 3518 of 2024.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail 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 15.05.2024 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with Bachhwara P.S. Case No. 249 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) with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge, SC/ST (PoA) Act, Begusarai in connection with



Bachhwara P.S. Case No. 249 of 2023.

(Chandra Prakash Singh, J)

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