

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3093 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- BAKHTIYARPUR District- Patna

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1. Ibran Alam @ Md. Ibran Alam S/o Md. Subhan Ali Village - Chakdaulatpur, P.S. - Bakhtiyarpur, Distt.- Patna
 2. Irfan Alam @ Md. Irfan Alam S/o Md. Subhan Ali Village - Chakdaulatpur, P.S. - Bakhtiyarpur, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumendar Paswan S/o Late Yogeshwar Paswan Village - Chakdaulatpur, P.S. - Bakhtiyarpur, Distt.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Alok Kumar Alok, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
For the Informant/s	:	Mr. Bhim Sen Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 21-08-2025 Heard learned counsel for the appellants, learned counsel for the informant and 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 21.06.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Special Case No. 269/2025 in Bakhtiyarpur P.S. Case No. 69 of 2025 dated 19.02.2025



registered for the offence/s punishable u/s 103(1) read with Section 3(5) of B.N.S., Section 27 of the Arms Act and Section 3(i)(r)(s)/3(2)(v) of SC/ST Act.

3. As per the prosecution case, when the informant, his wife and his son were going to cut grass towards Mahavir Hotel, as he reached near the field of one Salauddin Miyan, all of a sudden, the appellants and the co-accused persons came and the co-accused Sahil Alam fired from his pistol on the head of the informant's son due to which he fell down on the ground.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. Nothing has been recovered from the conscious possession of the appellants. There is no specific allegation against the appellants rather the specific allegation of firing on the son of the informant is against the co-accused, Sahil Alam. There is no allegation of abusing against the appellants and hence, no offence under the provisions of SC/ST Act is made out against the appellants. The appellants have no concern with the alleged offence. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellants are in custody since 21.02.2025.

5. Learned Spl.P.P. for the State and learned counsel



for the informant have vehemently opposed the prayer of bail of the appellants and submitted that the appellants were involved in the murder of the informant's son with the main accused Sahil Alam. As per the post-mortem report, which is mentioned in the impugned order dated 21.0.2025, the cause of death is due to cardio-respiratory failure due to fire arm injury.

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 appellants, the impugned order dated 21.06.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Special Case No. 269/2025 in Bakhtiyarpur P.S. Case No. 69 of 2025 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Special Case No. 269/2025 in Bakhtiyarpur P.S. Case No. 69 of 2025.

(Chandra Prakash Singh, J)

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