

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3217 of 2025**

Arising Out of PS. Case No.-263 Year-2018 Thana- BUNIYAD GANJ District- Gaya

Tinku Singh @ Chorwa @ Satyanarayan Singh @ Chokha S/o- Ishwari Singh
@ Iswari Singh Vill- Manpur Kumhar Toli PS- Muffasil Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Chintu Kumar S/o- Late Ramvaran Paswan R/o- Rewa Toli Ps- Muffasil Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Priya Ranjan, Adv.

For the Respondent/s : Mr. Usha Kumari 1, Spl.P.P.

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

ORAL ORDER

5 09-10-2025 Heard learned counsel for the appellant 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 16.06.2025 passed by the learned Court of Exclusive Special Judge, SC/ST, Gaya in B.P. No. 2036 of 2025 in connection with Buniyadganj P.S. Case No. 263 of 2018 dated 09.12.2018 registered for the offence/s punishable u/ss 302 read with Section 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 2(v) of the SC/ST (POA) Act.



3. As per the prosecution case, while the informant, his brother Chunnu Paswan and nephew Chinku Kumar were returning to the house from the Manpur market on the motorcycle, in the meantime, 11 accused persons including the appellant armed with traditional weapons and country-made pistol surrounded them. The co-accused, Chawanni assaulted on the hand of his brother by means of sword resultantly his brother fell down from his motorcycle, then the co-accused Tinku Singh fired from his pistol on temple of the informant's brother and he succumbed to his injury while other accused persons resorted 4-5 rounds of firing in the air and fled away.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant was not apprehended on the spot, his name was transpired in this case during the course of investigation. No incriminating article has been recovered from the conscious possession of the appellant. There is a land dispute between both the parties. The charge-sheet has been submitted against the appellant. It is further submitted that 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. As per Letter No. 302 dated 26.09.2025, two prosecution witnesses, out of 14 charge-sheeted witnesses, have been examined. The appellant has 22 criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 30.01.2019. The co-accused person has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 23.07.2019 passed in Cr. Appeal (S.J.) No. 2317 of 2019.

5. Learned Spl.P.P. for the State has vehemently opposed the prayer of bail and submitted that the specific allegation of firing on the head of the informant's brother is against the appellant as a result of which he died on the spot.

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 16.06.2025 passed by the learned Court of Exclusive Special Judge, SC/ST, Gaya in B.P. No. 2036 of 2025 in connection with Buniyadganj P.S. Case No. 263 of 2018 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 Exclusive Special Judge, SC/ST, Gaya in B.P. No. 2036 of 2025 in connection with Buniyadganj P.S. Case No. 263 of 2018, with following conditions :-

(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.

(ii) The appellant is directed to co-operate in the trial before the learned court below, failing which the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

shivam/-

U		T	
---	--	---	--

