

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4119 of 2024

Arising Out of PS. Case No.-252 Year-2024 Thana- PAKARIBARAW District- Nawada

Rama Chaudhari S/O Darwari Chaudhari R/O Village- Budhauri, P.S-
Pakribarawan, Distt.- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Kausala Devi W/O Late Pappu Manjhi R/O Village- Budhauri, P.S-
Pakribarawan, Distt.- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr.Shankar Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, APP
For the informant	:	Mr. Lal Bahadur Singh, Adv.

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

ORAL ORDER

4 10-01-2025 Heard learned counsel for the appellant, 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, (hereinafter in short referred to as the SC/ST
Act) against the refusal of prayer of bail *vide* order dated
13.08.2024 passed by the learned Special Judge, SC/ST (POA)
Act, Nawada in connection with Pakribarawan P.S. Case No.
252 of 2024 (5136014240252) dated 14.06.2024 registered for
the offence/s punishable u/ss 302, 120B and 34 of the Indian



Penal Code, Section 27 of the Arms Act and Sections 3(2)(v), 3(1) (r) of the SC/ST (POA) Act.

3. As per the prosecution case, the co-accused persons, namely, Manish Singh and Anju Pandey @ Chhotu along with some unknown miscreants are alleged to have killed the husband of the informant.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the F.I.R. The name of the appellant has transpired merely on the basis of confessional statement of the co-accused persons. There is general and omnibus allegation against the appellant. As per the confessional statement of one Nikhil Kumar who was arrested on 17.06.2024, Manish Singh and Anju Pandey @ Chhotu had given a contract to kill the informant's husband, namely, Pappu Manjhi with intent to become Mukhiya after the death of Pappu Manjhi and confessed that he had killed the deceased. There is no specific allegation against the appellant rather the allegation is against the co-accused persons. As per the FIR, no member of public was present at the relevant point of time of the alleged incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no



case is made out under section of the SC/ST Act. The co-accused person has already been granted bail by this court vide order dated 19.09.2024 passed in Cr. Appeal (SJ) No. 3802 of 2024. The appellant has clean criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 19.06.2024.

5. Learned Spl. P.P. for the State and learned counsel for the informant have vehemently opposed the prayer of bail of the appellant and submitted that the appellant was also involved in committing the alleged offence along with the other co-accused persons.

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 13.08.2024 passed by the learned Special Judge, SC/ST (POA) Act, Nawada in connection with Pakribarawan P.S. Case No. 252 of 2024 (5136014240252) 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 Special Judge, SC/ST (Prevention of Atrocity) Act, Nawada in connection with



Pakribarawan P.S. Case No. 252 of 2024, with a condition/s:-

(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 bond of the appellant is liable to be cancelled.

8. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

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