

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4081 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- BUNIYAD GANJ District- Gaya

Dularu Sao @ Rahul Kumar @ Dularu Son of Late Manoj Sao RO Village-
Joda Masjid, P.S.- Buniyadganj, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Tiger Kumar Son of Late Rajaram Ravidas R/O Hemanpur, Bhimnagar, P.S.-
Buniyadganj, Dist.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sudhir Kumar Sinha
For the Resp No. 2	:	Mr. Priyadarshi Pankaj Raj
For the Respondent/s	:	Mr.Usha Kumari I

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

ORAL ORDER

4 17-04-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as 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 against the rejection of prayer for bail vide
order dated 29.07.2024 passed by the learned Exclusive Special
Judge, SC/ST (POA) Act, Gaya in B.P. No. 2212 of 2024 arising
out of Buniyadganj P.S. Case No. 40 of 2024 dated 25.02.2024
registered for the offence/s punishable u/ss 307, 302 of the IPC
and sections 3(1)(r), 3(1)(s) 3(2)(v) of the SC/ST (POA) Act and
section 27 of the Arms Act.



3. As per the prosecution case, the informant went to attend the call of nature, in the meantime, he heard the sound of gun shot, thereafter the informant went towards the Falgu river where he saw his brother lying in the middle of the river and two accused persons, namely, Dularu Sao (appellant) and Pintu Kumar was standing near the deceased and on seeing the informant, they fled away from there.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. There is only suspicion. The informant is not the eyewitness to the alleged incident. There is no specific allegation of firing on the deceased. Similarly situated co-accused has already been granted bail by the co-ordinate bench of Court vide order dated 19.03.2025 passed in Cr. Appeal (SJ) No. 53 of 2025. The appellant has two criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 26.02.2024.

5. Learned counsel for the respondent no. 2 as well as



learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that as per para 29 of the case diary, the appellant himself confessed that he fired on the head of the deceased. It is further stated that the case of the appellant is different to that of the co-accused who has already been granted bail by the co-ordinate bench of this court vide order dated 19.03.2025 passed in Cr. Appeal (SJ) No. 53 of 2025.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 29.07.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in B.P. No. 2212 of 2024 arising out of Buniyadganj P.S. Case No. 40 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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