

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3690 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- SIKARHATTA District- Bhojpur

Lalbahadur Singh Son of Late Hiralal Singh Resident of Village- Pathkauli,
Ps- Sikarhatta, Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Ravinand Prasad @ Ravinandan Prasad son of Mahendra Ram Resident of Village- Pathkauli, Ps- Sikarhatta, Dist- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vaishnavi Singh, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant/s	:	Mr. Dhanesh Shankar Vidyarthi, Adv. Mr. Suresh Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-09-2025 Heard learned counsel for the appellant and learned counsel for the informant 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 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 04.08.2025 passed by the learned 1st Additional Session Judge-cum-Special Judge, SC/ST (POA) Act, Bhojpur Ara in B.P. No. 2138 of 2025 in connection with Sikarhatta P.S. Case No. 88 of 2025 dated 15.05.2025 registered for the offence/s punishable



u/ss 191(2), 191(3), 190, 126(2), 127(2), 115(2), 103(1) read with Section 3(5) of the B.N.S. and Sections 3(1)(r)(s) and 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, on 14.05.2025, the informant alleged that Rakesh Kumar went to Fatehpur Bazar on his motorcycle to deliver food to his cousin. While returning, he was stopped by the appellant and the co-accused persons and they started assaulting him with lathi, iron rods and the butt of the pistol, causing severe head injuries and multiple wounds on his body. Thereafter, police took the informant's brother in unconscious condition to the hospital where he succumbed to the injuries.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The name of the appellant has sprung up in this case on mere suspicion. It is further submitted that no member of public was present at the relevant point of time of the incident. It is further submitted that there is no specific allegation against the appellant rather the allegation against the appellant is general and omnibus in nature. There is no allegation of abuse against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the



appellant. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 16.05.2025.

5. Learned Spl.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail and submitted that the witnesses, at para nos. 7, 11, 28, 29 and 30 of the case diary, have supported the prosecution case. As per the post-mortem report of the deceased, the cause of death is due to severe injuries of vital structure of brain leading to haemorrhage and shock caused by hard and blunt substance.

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 04.08.2025 passed by the learned 1st Additional Session Judge-cum-Special Judge, SC/ST (POA) Act, Bhojpur Ara in B.P. No. 2138 of 2025 in connection with Sikarhatta P.S. Case No. 88 of 2025 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 1st Additional Session



Judge-cum-Special Judge, SC/ST (POA) Act, Bhojpur Ara in
B.P. No. 2138 of 2025 in connection with Sikarhatta P.S. Case
No. 88 of 2025, with a condition:-

(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.

(Chandra Prakash Singh, J)

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