

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4594 of 2024

Arising Out of PS. Case No.-180 Year-2024 Thana- BUXAR District- Buxar

Pradeep Rajbhar Son of Late Buchan Rajbhar @ Jawahir Rajbhar R/o
-Shantinagar, ward no 35, P.S. -Buxar(T), Distt -Buxar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rina devi Wife of Late Shashibhusan Ram R/o-Shantinagar, ward no 12,
Beneath the Railway over Bridge, Ps- Buxar (T), Dist- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aditya Nath Pandey, Adv
		Mr. Yeshoneel Ratnam, Adv
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 17-04-2025 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 05.09.2024 passed by the learned 1st Additional Sessions Judge 1st Cum- Special Judge, SC/ST Act, Buxar in SC/ST Case No. 50/2024 arising out of Buxar (T) P.S. Case No. 180/2024 dated 27.03.2024 registered for the offence/s punishable u/s 302 read with Section 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST Act.



3. As per the prosecution case, on 26.03.2024 at 10 P.M., the accused came to Shashi Bhushan's house and took him for a party, in which Shashi Yadav, Atal Yadav and Bismillah Khan shot the informant's husband dead. The informant's has alleged that the petitioner and the co-accused persons were also involved in the said party. Further, the informant got an information that someone's dead body was lying under the railway line over bridge. When the informant went to the spot, she saw the dead body of her husband.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. The specific allegation is against the co-accused persons, Shashi Yadav, Atal Yadav and Bismillah Khan. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 28.03.2024.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail. As per para. 20 and 28 of the case diary, the petitioner confessed the offence before the I.O. As per



para. 44 of the case diary, the cause of death is haemorrhage and shock due to firearm 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 appellant, the impugned order dated 05.09.2024 passed by the learned 1st Additional Sessions Judge 1st Cum- Special Judge, SC/ST Act, Buxar in SC/ST Case No. 50/2024 arising out of Buxar (T) P.S. Case No. 180/2024 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 Sessions Judge 1st Cum- Special Judge, SC/ST Act, Buxar in SC/ST Case No. 50/2024 arising out of Buxar (T) P.S. Case No. 180/2024.

(Chandra Prakash Singh, J)

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