

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4946 of 2024

Arising Out of PS. Case No.-460 Year-2024 Thana- RAFIGANJ District- Aurangabad

-
1. Kundan Kumar @ Kundan Yadav Son of Birval Mahato Village- Bhadawa Bazar, P.S.- Rafiganj, District- Aurangabad
 2. Tuntun Kumar Son of Khelawan Choudhary @ Khelavan Chaudhari Village- Bhadawa Bazar, P.S.- Rafiganj, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Rampayare Chaudhary Son of Sri Chaudhary Village- Bhadawa Bazar, P.S.- Rafiganj, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rupa Kumari
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 26-06-2025 Heard learned counsel for the appellants and learned Spl. P.P. 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 of the appellants vide order dated 23.09.2024 passed by the learned Court of 1st Additional District & Sessions Judge, Aurangabad in B.P. No. 833 of 2024 in connection with Rafiganj P.S. Case No. 460 of 2024 dated 01.09.2024 registered for the alleged offences punishable under Sections 352, 75, 325, 326(g) read with Section 3(5) of the B.N.S and Sections 3(1)(r), 3(1)(s)/3(2)(va)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the informant alleged that on 01.09.2024 at 00:30, the mother of the informant saw that the motorcycles was burning. When the mother of the informant started crying then she saw that two persons are fleeing away from the courtyard of the informant and the mother of the informant identified them as Kundan Kumar (appellant no.1) and Tuntun Kumar (appellant no.2)

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case merely on suspicion. There is no eye-witness to the alleged occurrence. Nothing has been recovered from the conscious possession of the appellants. It is further submitted that there is no specific allegation of abusing against the appellants and hence, no offence under provisions of SC/ST Act is made out against the appellants. The appellants have no concern with the alleged offence. The appellants have no criminal antecedent as stated in para 3 of the bail petition. The appellants are in custody since 02.09.2024.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.



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 appellants, the impugned order dated 23.09.2024 passed by the learned Court of 1st Additional District & Sessions Judge, Aurangabad in B.P. No. 833 of 2024 in connection with Rafiganj P.S. Case No. 460 of 2024, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of 1st Additional District & Sessions Judge, Aurangabad in B.P. No. 833 of 2024 in connection with Rafiganj P.S. Case No. 460 of 2024.

(Chandra Prakash Singh, J)

shivam/-

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

