

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5117 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- PANDARAK District- Patna

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Gautam Kumar, S/o Mangal Yadav @ Awdhesh Yadav @ Awdhesh Kumar,
Resident of village - Sonu Tola Lemuabad, P.S- Pandarak, Dist.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sujeet Kumar @ Vishwajeet Kumar S/O Bipin Paswan Resident of village -
Budhani Chak, P.S- Barh, Dist.- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Prem Ranjan Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 01-05-2025 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 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 04.10.2024
passed by the learned Exclusive Special Judge, SC/ST (PoA) Act,
Patna in Special Case No. 248 of 2024 in connection with
Pandarak P.S. Case No. 66 of 2024 dated 18.03.2024 registered
for the offence/s punishable u/ss 447, 341, 323, 307 read with
Section 34 of the Indian Penal Code and Section 27 of the Arms



Act and Section 3(1), (r)(s), 3 (2)(va) of the SC/ST (PoA) Act.

3. As per the prosecution case, the informant gave an amount of Rs. 28,000/- to the appellant as loan. On 14.02.2024 when the informant asked his money then the appellant took the informant to a garden near Sonu Tola where the co-accused persons started abusing and assaulting the informant. In the meanwhile, the co-accused Hari Raj Kumar fired on the informant in which the bullet hit his waist and he became unconscious. Thereafter, the informant was brought to the hospital by his family members.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to dirty village politics. It is further submitted that no particular caste name has been called by the appellant hence, no offence under the provision of SC/ST Act is made out against him. There is no specific allegation against the appellant rather allegation of causing gunshot injury is on co-accused Hari Raj Kumar @ Super. There is delay of three days in filing the FIR. He further submits that there is no evidence to show the complicity of the appellant in the alleged occurrence. The appellant has three criminal antecedents in which he is on bail as stated at para 3 of the bail petition. The appellant is in custody since 11.09.2024.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have vehemently opposed the prayer of



bail of the appellant.

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 04.10.2024 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Patna in Special Case No. 248 of 2024 in connection with Pandarak P.S. Case No. 66 of 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 learned Exclusive Special Judge, SC/ST (PoA) Act, Patna in Special Case No. 248 of 2024 in connection with Pandarak P.S. Case No. 66 of 2024.

(Chandra Prakash Singh, J)

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