

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5364 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- BACHHWARA District- Begusarai

Rahul Kumar @ Rakta @ Raukta S/O Ram Prakash Ishwar R/O Village-
Bharaul, PS- Bachhwara, Distt- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Pragas Paswan S/O Late Udgar Paswan R/O Village- Bharaul, PS-
Bachhwara, Distt- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Suneil Kumar Thakur, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.PP

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

ORAL ORDER

4 27-03-2025 Heard learned counsel for the appellant 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 of bail of the appellant vide order dated 13.08.2024 passed by the learned Exclusive Special Judge, SC/ST (Poa) Act, Begusarai in connection with Bachhwara P.S. Case No. 249 of 2023 dated 13.08.2023 registered for the alleged offences punishable under Sections 302, 120B read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.



3. As per prosecution case, on 12.08.2023, upon the hulla, the informant, his wife along with the other co-villagers reached there, they saw that the accused persons including the appellant were abusing his son namely Ajay Paswan. It is further alleged that the co-accused, Manjeet Kumar, Nikhil Kumar and Santosh Kumar Bhulla fired on the informant's son due to which one bullet hit his leg and he fell down on the ground. Thereafter, Shubham Kumar, Rahul Kumar (appellant) and Shilwant Ishwar caught hold of him and Manjeet Kumar fired on his head and all the accused persons crushed his head with bricks and stone due to which he died on the spot.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is no specific allegation against the appellant rather the specific allegation of firing is against the co-accused, Manjeet Kumar. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. The appellant has no concern with the alleged offence. The co-accused person has already been granted bail by a Coordinate Bench of this court vide order dated 21.03.2024 passed in Cr. Appeal (SJ) No. 5682/2023. The



appellant is in custody since 07.08.2024. The appellant has one criminal antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State has opposed the prayer for 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 13.08.2024 passed by the learned Exclusive Special Judge, SC/ST (Poa) Act, Begusarai in connection with Bachhwara P.S. Case No. 249 of 2023, 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 Exclusive Special Judge, SC/ST (Poa) Act, Begusarai in connection with Bachhwara P.S. Case No. 249 of 2023.

(Chandra Prakash Singh, J)

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