

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5436 of 2024

Arising Out of PS. Case No.-175 Year-2023 Thana- DHANSOI District- Buxar

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Rajnikant Ram @ Rajnikant Bharti S/o Late Satyanarayan Ram Resident of
village- Chapatahi, P.s - Dhansoi, Distt.- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Srikant Ram S/o Late Sahendra Ram R/o vill - Chapatahi, P.S. - Dhansoi,
Distt.- Buxar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar Gupta, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 03-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. No one has appeared on
behalf of the informant. Perused the case diary.

2. This is an appeal under Section 14A(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
25.10.2024 passed by learned Additional Sessions Judge 1st-
cum-Special Judge SC/ST (P.O.A.) Act, Buxar, in connection
with Dhansoi P.S. Case No. 175 of 2023 registered under
Sections 302, 504, 506/34 of the Indian Penal Code, Section 27
of Arms Act and Section 3(2)(v) of the SC/ST Act.



3. As per the prosecution case, the allegation against the appellant is that he, in connivance with, other co-accused persons abused, humiliated and committed murder of the father of the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellant. Appellant is not named in the FIR and his name has surfaced in this case on the basis of disclosure made by witness, namely, Lalan Ram. He submits that there is no specific allegation against the appellant rather the same is general and omnibus in nature. He further submits that no arms and ammunition has been recovered from the conscious possession of the appellant. He further submits that there is delay of two days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. There is no eye-witness to the alleged occurrence. Even the Informant is not the eye-witness to the alleged occurrence. The appellant is in custody since 24.10.2024 and has two criminal antecedents. Similar co-accused have been granted bail by this Court vide



order dated 10.07.2025 passed in Cr. Appeal (S.J.) Nos. 4738 of 2024.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant, stating that offence alleged is serious in nature.

6. Considering the entire facts and circumstances of the case, there being no specific overt act against the appellant as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 25.10.2024 passed by learned Additional Sessions Judge 1st-cum- Special Judge SC/ST (P.O.A.) Act, Buxar is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhansoi P.S. Case No. 175 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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