

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5565 of 2024

Arising Out of PS. Case No.-305 Year-2023 Thana- KHAJEKALA District- Patna

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Raja Paswan @ Raja Kumar Son of Laxmi Paswan Resident of Village -
Belwarganj, Seikhbuchar Ka Chauraha, P.S. - Alamganj, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Bikki Choudhary @ Vicky Choudhary @ Vikky Kumar Choudhary Son of
Yogendra Choudhary Resident of Mohalla - Bari Patan Devi, Hajma Gali,
P.S. - Alamganj, District - Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Pramod Kumar
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr. Binod Kr. Pandey

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

ORAL ORDER

4 26-06-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State, whereas learned counsel

for the respondent no. 2 has appeared on the court today itself and

submitted that he has filed vakalatnama on behalf of the

respondent no. 2.

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 08.10.2024

passed by the learned Exclusive Special Judge (SC/ST), Patna in

connection with Special Case No. 67 of 2024 arising out of Khaje

Kalan P.S. Case No. 305 of 2023 dated 30.07.2023 registered for



the offence/s punishable u/ss 302, 120B read with Section 34 of the I.P.C. and Section 27 of the Arms Act and Section 3(1)(r)(s), 3(2)(va) of SC/ST Act.

3. As per the prosecution case, the appellant and the co-accused person along with 3-4 unknown miscreants are alleged to have committed murder of the informant's brother.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the FIR and there is no specific allegation of firing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The name of the appellant has sprung up in this case in the confessional statement of the co-accused person. The appellant is remanded in this case from Alamganj P.S. Case No. 726 of 2023 which has no evidentiary value in the eye of law. The co-accused has been granted regular bail by this Court vide order dated 20.03.2025 passed in Cr. APP (S.J). No. 4361 of 2024. The appellant has three criminal antecedents as stated at para 3 of the supplementary affidavit filed on behalf of the appellant. The appellant is in custody since 15.03.2024.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.



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 08.10.2024 passed by the learned Exclusive Special Judge (SC/ST), Patna in connection with Special Case No. 67 of 2024 arising out of Khaje Kalan P.S. Case No. 305 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), Patna in connection with Special Case No. 67 of 2024 arising out of Khaje Kalan P.S. Case No. 305 of 2023, with the condition :-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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