

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.16 of 2025**

Arising Out of PS. Case No.-12 Year-2024 Thana- SC/ST District- Samastipur

Nitish Kumar Singh @ Nitish Kumar S/O- Deva Nand Singh @ Devnand Singh Village - Rajkha Rampur , Police Station - Tajpur , District - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mantu Das S/o- Late Shobit Das Village- Rajkha Rampur Ps- Tajpur Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mahendra Pratap, Adv.
For the Respondent/s	:	Mr. Raja Ram Mishra, Adv.
		Mr. Raj Kumar, Adv.
For the State	:	Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 03-04-2025 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 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 appellant vide order dated 18.11.2024 passed by the learned Special Judge SC/ST(PoA) Act, Samastipur in connection with SC/ST P.S. Case No. 12 of 2024 dated 11.02.2024 registered for the alleged offences punishable under Sections 147, 148, 149, 341, 323, 324, 354, 436, 380 and 448 of the Indian Penal Code and Sections 3(1)(r)(s)(w)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. As per prosecution case, on 09.02.2024 the informant's son went missing then informant started searching for his son but his son was not found. At about 11:00 P.M. the appellant along with the co-accused persons armed with weapons came to the informant's house and started assaulting the family members of the informant and burnt the informant's house and sprinkled the kerosene oil on the wife of the informant but somehow she saved her life by removing her Sari. The accused persons also took away the gold ornaments from the house of the informant.

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 allegation is general and omnibus in nature. 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. Learned counsel has further submitted that the compromise has taken place between both the parties. It is further submitted that the appellant has no concern with the alleged offence. The co-accused persons have already been granted anticipatory bail by this court vide order dated 13.12.2024 passed in Cr. Appeal (SJ)



No. 5469/2024. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 28.10.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have 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 18.11.2024 passed by the learned Special Judge SC/ST(PoA) Act, Samastipur in connection with SC/ST P.S. Case No. 12 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 Special Judge SC/ST(PoA) Act, Samastipur in connection with SC/ST P.S. Case No. 12 of 2024.

(Chandra Prakash Singh, J)

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