

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.53 of 2025

Arising Out of PS. Case No.-40 Year-2024 Thana- BUNIYAD GANJ District- Gaya

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Pintu Kumar @ Pintu Prasad, S/o Shanker Prasad @ Shanker Mahto,
Resident of Village - Gardpar, Manpur, P.S. - Buniyadganj, District - Gaya.
... .. Appellant/s

Versus

1. The State of Bihar
2. Tigar Kumar S/o Late Rajaram Ravidas Resident of Village- Manpur
Bhimnagar PS - Buniyadganj Dist. - Gaya
... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra, Advocate
For the Respondent/s : Mr. Usha Kumari No. 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 19-03-2025 1. Heard learned counsel for the appellant, learned
Spl.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 27.11.2024 in B.P. No. 3337 of 2024 passed by the learned
Exclusive Special Judge, S.C./S.T., Gaya in connection with
Buniyadganj P.S. Case No. 40 of 2024 registered under Sections
307 and 302/34 of the Indian Penal Code, Sections 3(1)(r), 3(1)
(s) and 3(2)(v) of the SC/ST Act as well as Section 27 of the
Arms Act.



3. Learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and is in custody since 21.10.2024. It is further submitted that the informant alleges that on 25.02.2024, at about 09:00 a.m., in the morning, his younger brother Ranjeet Kumar Ravidas (deceased) went to attend the call of nature on the bank of river Falgu near his house thereafter he heard gun shot, accordingly, the informant ran towards Falgu River where he saw his brother lying in the middle of the river and two accused persons, namely, Dularu Sao and Pintu Kumar (appellant) standing near the brother of the informant and on seeing the informant, they started fleeing away from there.

4. Learned counsel for the appellant submits that from perusal of the allegation as alleged in the FIR, it would manifest that the entire allegation hinges around suspicion. It is further submitted that informant is not an eyewitness to the occurrence rather alleges that when he went to the place of occurrence, he saw two accused persons standing there who on seeing the informant started fleeing but then the informant does not allege that he saw them carrying guns. It is next submitted that during the course of investigation, Dularu Sao was arrested and he in his confessional statement named the appellant but then does



not allege that appellant is the assailant. It is also submitted that Dularu Sao in his confessional statement disclosed that the deceased had spoken ill about his sister which led to the occurrence. It is submitted that confession made before the police is not admissible in evidence. It is further submitted that if any dispute had arisen in between the deceased and Dularu Sao in that event the family would have been knowing but then FIR does not even remotely suggests the cause for the occurrence.

5. Learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant opposed the prayer for bail but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellant that informant is not an eyewitness to the occurrence nor he alleges in the FIR that he saw the appellant and the other accused persons fleeing away from the place of occurrence with gun in their hand.

6. Considering the submissions made by the learned counsel appearing on behalf of the appellant, let the appellant, above named, be released on bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where



the case is pending in connection with the aforesaid case.

7. Accordingly, the impugned order is set aside and
this appeal stands allowed.

(Satyavrat Verma, J)

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