

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.20 of 2025

Arising Out of PS. Case No.-8 Year-2024 Thana- DARIGAON District- Rohtas

Bhola Kumar @ Vidyanand Son of Vipin Mahto @ Bipin Singh Resident of
Village - Bhartiganj, P.S. - Sasaram Darigaon, District - Rohtas

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Gopal Paswan @ Pappu Paswan Son of Rajkeshwar Paswan Resident of
Village - Badki Karpurwa Ward No.29, P.S. - Darigaon, District - Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vikalp
For the Respondent/s	:	Mr.Sadanand Paswan
For the Resp No. 2	:	Mr. Ajay Kumar Tiwari

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

ORAL ORDER

5 19-06-2025 Heard learned counsel for the appellant and

learned counsel for the respondent no. 2 as well as learned

Special Public Prosecutor 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
vide order dated 21.10.2024 passed by the learned
Additional Sessions Judge- 17 cum Special Judge, SC/ST
(POA) Act, Sasaram, Rohtas in connection with Darigaon
P.S. Case No. 08 of 2024 dated 30.08.2024 registered for
the offence/s punishable u/ss 103(2), 61(2) read with section



3(5) of the BNS and section 3(2) (v) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have caught hold of the informant's brother and the co-accused Rahul Kumar @ Bhuar Paswan inflicted blow of knife on the informant's brother causing severe injury to him and subsequently died while he was being taken to hospital.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. It is further submitted that the allegation against the appellant is only holding the informant's brother, thereafter the co-accused Rahul Kumar @ Bhuar Paswan inflicted blow of knife on the deceased. As per the postmortem report, the cause of death is haemorrhage and shock caused by sharp cutting weapon. As per para 89 of



the case diary, the brother of deceased, namely, Rakesh Kumar has not levelled the allegation against the petitioner of assaulting the deceased. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 31.08.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition 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 21.10.2024 passed by the learned Additional Sessions Judge- 17 cum Special Judge, SC/ST (POA) Act, Sasaram, Rohtas in connection with Darigaon P.S. Case No. 08 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 learned Additional Sessions Judge- 17 cum Special Judge,



SC/ST (POA) Act, Sasaram, Rohtas in connection with
Darigaon P.S. Case No. 08 of 2024, with the condition/s:-

(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 appellants are liable
to be cancelled.

(Chandra Prakash Singh, J)

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