

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.43 of 2025

Arising Out of PS. Case No.-224 Year-2023 Thana- SARMERA District- Nalanda

Vinit Kumar Son of Satish Prasad Resident of Village - Jahana, P.S. - Bind,
District - Nalanda (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dilip Kumar Son of Late Girdhari Das Resident of Village - Dhanuki, Police
Station - Sarmera, District - Nalanda (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rabindra Prasad Singh
For the Respondent/s	:	Mr.Binay Krishna
For the Informant	:	Mrs. Jyoti Kumari
		Mr. Birendra Prasad Choudhary

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

ORAL ORDER

4 31-07-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14A(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 12.01.2024 passed by the learned Additional Distirct and Sessions Judge-VIth-cum-Special Court, (SC/ST Act), Biharsharif, Nalanda in connection with Sarmera P.S. Case No. 224 of 2023 dated 24.10.2023 registered for the alleged offences punishable under Sections 147, 148, 149, 341, 323, 324, 302, 325, 326,



307, 427, 504 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(1)(r)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 23.10.2023, the informant was going to see fair at Ahiyapur and when he reached at Jahangirpur more by Auto than the appellant and the co-accused persons abused the informant by calling his caste name and also assaulted him due to which he sustained injury. The accused persons damaged his Auto by brick batting. Meanwhile, Ritesh Kumar and Kaushal Kishore Prasad who were coming from Gopalbad on their motorcycle, saw that the accused persons were assaulting the Auto driver. They intervened in the matter then the accused persons fired on them as a result of which, Ritesh Kumar sustained firearm injury. Thereafter, local people came there then the accused persons fled away from the spot. The injured was taken to the hospital for treatment.

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 specific allegation against the co-accused, Banti Kumar and Prahalad Kumar who are alleged to have fired due



to which Ritesh Kumar sustained injury. 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. It is further submitted that the appellant has no concern with the alleged offence. The other co-accused person has been granted bail by this court vide order dated 03.07.2025 passed in Cr. Appeal (S.J.) NO. 1929/2025. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 12.12.2023.

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. Earlier the bail of the petitioner has been rejected by the co-ordinate bench of this court vide order dated 26.07.2024 passed in Cr. Appeal (SJ) No. 1007/2024.

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 12.01.2024 passed by the learned Additional District and Sessions Judge-VIth-cum-Special Court, (SC/ST Act), Biharsharif, Nalanda in connection with Sarmera P.S. Case



No. 224 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 Additional Distirct and Sessions Judge-VIth-cum-Special Court, (SC/ST Act), Biharsharif, Nalanda in connection with Sarmera P.S. Case No. 224 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 is liable to be cancelled.

(Chandra Prakash Singh, J)

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