

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.199 of 2025**

Arising Out of PS. Case No.-372 Year-2024 Thana- NAWADA MUFFASIL District- Nawada

Jaypal Kumar @ Jaypal Chauhan Son of Dashrath Chauhan Resident of  
Village - Raghunathpur, P.S. - Rahui, District - Nalanda, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Vyas Muni Son of Sanjay Majhi Permanent Resident of Panchayat  
Madokhara, Police Station - Mufassil, District - Nawada (Informant herein)  
... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Kundan Kumar, Advocate  
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

4      15-05-2026                      Heard learned counsel for the appellant and learned Spl.  
P.P. for the State.

2. This is an appeal under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 30.10.2024 passed by the learned Exclusive Special Judge, Special Court S.C./S.T. (POA) Act, Nawada in connection with Muffasil P.S. Case No. 372 of 2024 registered for the offences punishable under Sections 191(2), 193(3), 190, 109(1), 352, 351(2), 351(3), 326(g), 303(2), 111(3) & 61(2)(a) of the Bharatiya Nyaya Sanhita and under Section 27 of the Arms Act as well as Sections 3(1), 3(1)(f), 3(1)(g), 3(1)(r), 3(1)(s), 3(1)(w), 3(2)(va) & 3(2)(v) of the SC/ST (PoA) Act.

3. The case of the prosecution, in brief, is that the



respondent and about 60 families of Krishna Nagar were living since 2015 in a small hut like houses on government land by the bank of river bearing Khata No. 226 and Plot No. 2278/2470. It is alleged that on the date of occurrence, altogether 28 named accused persons and other unnamed; total 70 accused persons armed with pistol, sticks and petrol attacked the village and open fire on the villagers and also assaulted them. It is further alleged that the accused persons set on fire the houses, vandalize them and looted all the money and valuables they found. When the villagers approached to save their property, they flee away making firing.

4. Learned counsel for the appellant submits that the name of this appellant does not find place in the FIR. During course of investigation one Amit Raj and others have given their confessional statement. The name of this appellant has surfaced in the confessional statement of these co-accused persons and afterwards police has also extracted confessional statement of this appellant. Learned counsel for the appellant has further submitted that Amit Raj on whose statement the name of this appellant has surfaced, his appeal has been allowed by the learned Co-ordinate Bench vide Cr. App. (SJ) No. 2773 of 2025. Learned counsel for the appellant has further submitted that one co-accused, namely, Chhotelal Kumar has also been granted bail by this court in Cr. APP (SJ) No. 394 of 2025. The case of this appellant stands on



similar footing. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 08.10.2024.

5. Learned Special Public Prosecutor for the State is present and has vehemently opposed the bail to the appellant.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 30.10.2024 passed by the learned Exclusive Special Judge, Special Court S.C./S.T. (POA) Act, Nawada in connection with Muffasil P.S. Case No. 372 of 2024 is hereby set aside and the appellant above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Special Court S.C./S.T. (POA) Act, Nawada in connection with Muffasil P.S. Case No. 372 of 2024.

7. Accordingly the appeal stands allowed.

**(Ashok Kumar Pandey, J)**

Shubham/-  
Sneha/-

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