

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.230 of 2025

Arising Out of PS. Case No.-209 Year-2023 Thana- MAJORGANJ District- Sitamarhi

Ambuj Kumar S/o- Bachcha Prasad Yadav @ Bacha Prasad Ray Resident of
Village- Belwa Prari, P.S.- Majorganj, Dist- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Arvind Kumar Mehta S/o- Chhote Lal Mehta Village- Belwa Prari Ps-
Majorganj Dist- Sitamarhi

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 21-01-2026 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. Learned counsel for the appellant has submitted
that the appeal for bail of the appellant was earlier rejected by
the learned Co-ordinate Bench in Cr. Appeal (S.J.) No. 971 of
2024 vide order dated 02.05.2024.

3. 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 17.12.2024 in Trial No.
263/2023 + 44/2024 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act,
Sitamarhi in connection with Majorganj P.S. Case No. 209 of



2023 registered for the offences punishable under Sections 302, 307, 120B/34 of the Indian Penal Code, under Section 27 of the Arms Act as well as Section 3(r)(s) of the SC/ST Act.

4. The case of the prosecution, in short, is that on 25.07.2023 at 13:30 P.M., the complainant lodged his complain before police official of Majorganj P.S. that 15 days ago, co-accused persons including the appellant came to the shop of the complainant's elder brother and threatened to kill him. On 24.07.2023, the complainant heard *hulla* that his brother has been shot dead. The complainant ran to the shop and found his brother smeared with blood due to firearm injuries on his head and stomach. Another person in the shop Ram Pukar Paswan also sustained firearm injury who disclosed that three miscreants on a bike, who has covered their faces, came to the shop, one of the miscreants who fired on the complainant's brother was unveiled and he was identified as the appellant. The complainant's brother was declared dead in the hospital. It is further alleged that the appellant along with co-accused persons and unknown miscreants under conspiracy, murdered complainant's brother and injured Ram Pukar Paswan.

5. Learned counsel for the appellant submits that in this case during course of trial Ram Pukar Paswan has been



examined as PW-1. His deposition has been placed at page-22 of the appeal for bail to the appellant as Annexure-P/3 and from perusal of the examination-in-chief it is clear that he has stated that as he has also received injuries, he was unconscious and he could not see as to who has fired. He has clarified it and has stated that he has not seen the occurrence through his eyes. This witness has been declared hostile by the prosecution.

6. Learned counsel for the appellant has submitted that Ram Pukar Paswan is the person who has identified this appellant and during trial he has not supported his earlier statement during investigation. It has further been submitted that other co-accused persons have named this appellant during investigation in their confessional statement. Save and except the confessional statement of co-accused, there is nothing against the appellant. Learned counsel for the appellant has submitted that the petitioner is in judicial custody since 19.12.2023.

7. Learned Special Public Prosecutor for the State has vehemently opposed the appeal for bail filed by the appellant and has submitted that the appellant is having criminal antecedent of one case.

8. In view of the submissions made by the learned



counsel for the appellant, the order dated 17.12.2024 in Trial No. 263/2023 + 44/2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Majorganj P.S. Case No. 209 of 2023 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 court of Additional Sessions Judge-I-cum-Special Judge(SC/ST), Sitamarhi in connection with Majorganj P.S. Case No. 209 of 2023.

9. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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