

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.394 of 2025

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

Chhotelal Kumar Son of Anil Yadav @ Anil Prasad Resident of Village- Nari,
P.S. Noorsarai, District- Nalanda,

... .. Appellant/s

Versus

1. The State of Bihar
2. Vyas Muni Son of Sanjay Manjhi Resident of Village- Dedaur, Tola Krishna
Nagar Nadi Par, Panchayat Bhadokhra, P.S.- Mufassil, Distt.- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Man Mohan Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 15-01-2026 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 06.12.2024 in B.P. No. 1913
of 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 complainant 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 petitioner does not find place in the FIR. During course of investigation one Amit Raj and one Rohit Kumar has given their confessional statement. The name of this appellant has surfaced in the confessional statement of these few 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 petitioner has surfaced, his appeal has been allowed by the



learned Co-ordinate Bench vide Cr. App. (SJ) No. 2773 of 2025.
The case of this appellant stands on similar footing. Learned
counsel for the appellant has lastly submitted that the appellant
is having no criminal antecedent and is 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 06.12.2024 in B.P. No.
1913 of 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 court of
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)

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