

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.712 of 2026

Arising Out of PS. Case No.-407 Year-2025 Thana- BIHTA District- Patna

Aditya Raj S/o Jitendra Kumar Singh @ Jitenda Kumar Singh R/o Village-
Musepur @ Munsepur, P.S - Bihta, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Kranti Devi W/o Late Sanjay Manjhi R/o Village- Musepur @ Munsepur,
P.S - Bihta, District - Patna

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 21-04-2026 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 03.11.2025 passed by the learned Exclusive Special Judge S.C./S.T. Act, Civil Court (Sadar), Patna in connection with Special Case No. 446 of 2025 arising out of Bihta P.S. Case No. 407 of 2025 registered for the offences punishable under Sections 109 and 3(5) of the Bharatiya Nyaya Sanhita (in short “BNS”) and under Section 3(2)(va) of the SC/ST Act and subsequently added Section 103 of the BNS.



3. The case of the respondent, in short, is that the informant along with his family and her husband were sleeping in their house. On 02.06.2025 at about 12:00-12:30 A.M., she heard the firing of two gunshots. As she awoke, she found that blood was oozing from the head of the informant's husband and the assailants were fleeing away on a bike whom she could not identify.

4. Learned counsel for the appellant submits that from perusal of the FIR it will transpire that name of appellant is not there in the FIR. During course of investigation this appellant has given his confessional statement and in confessional statement he has confessed his guilt and from perusal of case diary it will transpire that on his disclosure the weapon of assault was discovered. Learned counsel for the appellant has submitted that from perusal of the case diary it also transpire that though the police has recovered the weapon of assault but the same has not been sent for examination of FSL. Learned counsel for the appellant has further submitted that from Paragraph '4' of the case diary it will transpire that the place of occurrence is an open field whereas from perusal of the FIR it will transpire that the informant has categorically stated that she was sleeping at her house with her family. Learned counsel for



the appellant has further submitted that the place of occurrence as disclosed by the respondent and as disclosed by the I.O. are contradictory. Learned counsel counsel for the appellant has further submitted that the appellant is in judicial custody since 08.07.2025.

5. Learned Spl.P.P. for the State is present and has vehemently opposed the bail.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 03.11.2025 passed by the learned Exclusive Special Judge S.C./S.T. Act, Civil Court (Sadar), Patna in connection with Special Case No. 446 of 2025 arising out of Bihta P.S. Case No. 407 of 2025 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(SC/ST), Civil Court (Sadar) Patna in connection with Special Case No.446 of 2025 arising out of Bihta P.S. Case No. 407 of 2025.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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