

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3743 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- SIKARHATTA District- Bhojpur

Jamindar Singh S/O Late Ram Das Singh R/O Village- Pathkhauli, P.S-
Sikarhatta, Distt.- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravinandan Prasad S/O Mahendra Ram R/O Village- Pathkhauli, P.S-
Sikarhatta, Distt.- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravindra Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 22-01-2026 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State and learned counsel for the
informant.

2. The instant appeal has been filed by the appellant
against the order dated 04.08.2025 passed by learned 1st
Additional Sessions Judge-cum-Special Judge, SC/ST (PoA)
Act, Bhojpur at Ara whereby the prayer for bail of the appellant
in connection with SC/ST Case No. 129 of 2025, arising out of
Sikarhatta PS Case No. 88 of 2025 instituted under Sections
191(2), 191(3), 190, 126(2), 127(2), 115(2) & 103(1) of the
Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(2)(s) &
3(2)(v) of SC/ST Act was rejected.



3. The prosecution case, in short, is that on 14.05.2025 at about 10:00 PM near Patkhauli, the accused persons intercepted Rakesh Kumar, assaulted him with lathi, danda, iron rod and butt of pistol causing serious injuries, and threw him on Fatehpur Raji Road. Thereafter, he was taken to Piro PHC and then referred to Sadar Hospital, Ara, where he died during treatment on 15.05.2025.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. It is submitted that the informant is not an eyewitness and the case rests on undisclosed telephonic information and suspicion. There is no credible dying declaration, no identification of the accused, and no witness to the occurrence, which allegedly took place at night. The implication of the appellant appears to be motivated by a prior petty dispute, and the alleged confession of a co-accused is fabricated and inadmissible. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 16.05.2025 and



has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 04.08.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Bhojpur at Ara is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with SC/ST Case No. 129 of 2025, arising out of Sikarhatta PS Case No. 88 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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