

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4040 of 2025

Arising Out of PS. Case No.-360 Year-2024 Thana- DIDARGANJ District- Patna

Santosh Kumar @ Santosh Rai @ Santosh Ray S/o Lala Ray @ Lal Babu Rai
@ Lal Babu Singh R/o - Janakpur, P.S - Gaurichak, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Raj Kumar Das S/o Triveni Das R/o - Fatehpur, Ward No. 3, P.S - Didarganj,
District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ghanshyam Tiwary, Advocate
For the State : Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-04-2026 Despite of entered appearance on behalf of
Respondent No. 2 through Vakalatnama, no one appears on
behalf of Respondent No. 2.

2. Heard Mr. Ghanshyam Tiwary, learned counsel
appearing for the appellant and Mrs. Usha Kumari 1, learned
Special Public Prosecutor for the State.

3. This is an appeal under Sections 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (hereinafter referred to as the “SC/ST Act”)
against the refusal of prayer for regular bail vide order dated
28.08.2025 passed by the learned Exclusive Special Judge,
SC/St Ac;t, Civil Court Sadar, Patna in connection with



Didarganj P.S. Case No. 360 of 2024, F.I.R. dated 11.10.2024 registered under Sections 105, 281, 3(5) of the B.N.S., 2023 and later on Sections 103(2) of the B.N.S. and Section 3(1)(r) (s), 3(2)(v) of the SC/ST Act.

4. Allegation against the appellant is that he along with other co-accused person were involved in the murder of the informant's son-in-law.

5. Learned counsel for the appellant submits that the appellant has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. From perusal of the F.I.R. it appears that due to negligence of the driver of the vehicle in question the present occurrence had taken place and the appellant was sitting in the same vehicle so he has been made accused in the present case and the appellant is not the driver of the vehicle in question and the appellant may be charged under Section 106 of the B.N.S. in place of Section 105 of the B.N.S. He further submits that the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 21.07.2025.

6. Learned Special Public Prosecutor for the State , on



the other hand, vehemently opposed the prayer for bail of the appellant.

7. Considering the facts and circumstances of the case and the fact that the appellant having clean antecedent and he was not the driver of the vehicle in question and the appellant was sitting in the said vehicle in question as well as period of custody, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Civil Court Sadar, Patna in connection with Didarganj P.S. Case No. 360 of 2024, with the following conditions :-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any



stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Ibrar//-

U			
---	--	--	--

