

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4236 of 2025

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

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1. Pawan Singh @ Pawan Kumar Singh @ Pawan Kumar S/o- Lal Mohar Singh R/v- Patkhauri Ps- Sikarhata Dist- Bhojpur
 2. Raju Singh @ Raju Kumar @ Raju Kumar Singh S/o- Lalan Singh R/v- Patkhauri Ps- Sikarhata Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravinand Prasad S/o- Mahendra Ram R/v- Patkhauri Ps- Sikarhata Dist- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Parmatma Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 22-01-2026 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellants against the order dated 06.08.2025 passed by learned Additional Sessions Judge-cum-Special Judge (SC/ST) PoA Act, Bhojpur at Ara whereby the prayer for bail of the appellants in connection with Sikarhata 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)(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 Patkhauri, 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 appellants submits that the appellants are innocent and have 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 appellants 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 appellants further submits that the appellants have 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 them. The appellants have no intention to disgrace the image of



the informant in public view. The appellants are in custody since 23.05.2025 and have 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 appellants.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 06.08.2025 passed by learned Additional Sessions Judge-cum-Special Judge (SC/ST) PoA Act, Bhojpur at Ara is hereby set aside.

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

(Rudra Prakash Mishra, J)

Raj Kishore/-

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