

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4282 of 2025

Arising Out of PS. Case No.-636 Year-2024 Thana- BARHARIA District- Siwan

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1. Raj Kumar Singh S/O Ramayan Singh Resident of Village- Sundarpur, P.S.- Barharia, Distt.- Siwan.
 2. Shailesh Singh @ Shailesh Kumar Singh @ Tuntun Singh S/O Shambhu Nath Singh Resident of Village- Sundarpur, P.S.- Barharia, Distt.- Siwan.
 3. Rahul Kumar S/O Prem Sah Resident of Village- Sundarpur, P.S.- Barharia, Distt.- Siwan.
 4. Brijlal Sah @ Raj Lal Sah S/O Late Chandradev Sah Resident of Village- Sundarpur, P.S.- Barharia, Distt.- Siwan.
 5. Ramajee Bhagat @ Rama Bhagat S/O Jate Lal Bhagat Resident of Village- Sundarpur, P.S.- Barharia, Distt.- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raghunath Ram S/O Late Faujdar Ram Resident of Village- Sundarpur, P.S.- Barharia, Distt.- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Pandey, Advocate
For the State	:	Ms. Meena Singh, APP
For the respondent no.2	:	None

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 23-02-2026 Heard learned counsel for the appellants and learned
APP for the State.

2. Despite the notice having been validly served, no
one appears on behalf of the Respondent No. 2.

3. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail vide
order dated 09.06.2025 passed by the learned A.D.J. 1 cum Special



Judge, Siwan in connection with A.B.P. No. 1335 of 2025 arising out of Barhariya P.S. Case No. 636 of 2024 registered for the offence/s punishable u/ss 126(2), 115(2), 74, 324(4), 303(2), 326(g), 352, 351(2) and 3(5) of the BNS and under sections 3(1)(r)(s)(w) and 3(2) (va) of the SC/ST (POA) Act.

4. As per the prosecution case, the allegation against the appellants is that they all came to the house of the informant variously armed and by abusing him with his caste name, they had lit the house of the informant on fire, thereby burning the ornaments and cash. It has further been alleged that some of the accused have also snatched away the gold chain from the wife of the informant.

5. Learned counsel for the appellants submits that the appellants have falsely been implicated and no such incident as alleged has occurred. It has further been submitted that no injury has been sustained by the informant or his family members and barring bald statements, there is nothing on record to suggest that such incident has occurred. It has next been submitted that for the same incident there is case and counter-case between the parties and admittedly, the incident has not occurred within public view and therefore, the provisions of the SC/ST Act is not attracted in this case. It has lastly been submitted that the



appellants carry clean antecedents.

6. Nobody appears on behalf of the respondent No. 2, however, the learned APP for the state has vehemently opposed the prayer for bail and has stated that the appellants have lit the house of the informant on fire and burnt valuable items.

7. Considering the aforesaid submissions and facts of the case, the order passed by the learned Trial Court dated 09.06.2025 passed in A.B.P. No. 1335 of 2025 arising out of Barhariya P.S. Case No. 636 of 2024 is accordingly set aside. Let the appellants above named be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Barhariya P.S. Case No. 636 of 2024, subject to the following conditions:

(i) One of the bailors of the appellants shall be their close relative and the other shall be the local resident.

(ii) The appellants shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the



appellants will be liable to be cancelled by the court concerned.

(iv) If the appellants are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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. The criminal appeal is allowed.

9. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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