

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1148 of 2024**

Arising Out of PS. Case No.-435 Year-2023 Thana- TRIVENIGANJ District- Supaul

Sushil Kumar @ Sushil Yadav S/O Shambhu Yadav @ Shambhu Kumar  
Yadav R/O Ward No. 3, Daparkha, P.S- Triveniganj, Distt.- Supaul.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjeet Sardar S/O Anand Sardar R/O Ward No. 24, Daparkha, P.S-  
Triveniganj, Distt.- Supaul.

... .. Respondent/s

**Appearance :**

|                     |   |                           |
|---------------------|---|---------------------------|
| For the Appellant/s | : | Mr. Ashok Singh, Advocate |
| For the State       | : | Mr. Binay Krishna, SPP    |
| For the Informant   | : | <b>NONE</b>               |

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

ORAL ORDER

4      09-05-2024              Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. Earlier notice issued to respondent No. 2 was validly served on him. Despite service of notice, none appears for the informant. Perused the case diary.

2.      The instant appeal has been filed by the appellant against the order dated 22-01-2024 passed by Additional Sessions Judge-I-cum-Special Judge (SC/ST), Supaul whereby the prayer for bail of the appellant in connection with SC/ST Case No. 90 of 2023, arising out of Triveniganj PS Case No. 435 of 2023 instituted for the offence under Sections 341, 323, 324, 307, 504 & 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s)/3(2)(va) of SC/ST Act was



rejected.

3. Prosecution case, in short, is that co-accused persons including the appellant have assaulted the brother of the informant. It is further alleged that co-accused, namely, Manish Yadav fired upon the Balram Kumar, due to which he sustained injury.

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. There is general and omnibus allegation against the appellant. There is no specific allegation levelled against the appellant, rather specific allegation of firing is against co-accused, namely, Manish Yadav. 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 07-11-2023, 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 appellant. It is submitted that from perusal of the paragraph No.



64 of the case diary, it would emerge that appellant were involved in the occurrence.

6. Considering the aforesaid facts and circumstances of the case, there being no direct allegation against the appellant and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 22-01-2024 passed by Additional Sessions Judge-I-cum-Special Judge (SC/ST), Supaul is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with SC/ST Case No. 90 of 2023, arising out of Triveniganj PS Case No. 435 of 2023.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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