

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1488 of 2024**

Arising Out of PS. Case No.-190 Year-2023 Thana- NAGARNAUSA District- Nalanda

Raja Babu Son of Kishori Prasad Resident of Village- Khiru Bigha, P.S.-
Nagarnausha, Dist.- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramashish Paswan Son of Late Bundela Paswan Resident of Village- Daha Bigha, P.S.- Hilsa, Dist.- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For Opposite Party No.2	:	Mr. Umesh Kumar Verma, Advocate

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

ORAL ORDER

4 25-06-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant/Respondent No. 2.

2. The instant appeal has been filed by the appellant against the order dated 08.02.2024, passed by learned ADJ-VI-cum-Special Judge SC/ST Act, Nalanda, whereby the prayer for bail of the appellant in connection with Nagarnausha P.S. Case No. 190 of 2023, under Sections 341, 323, 324, 307, 302, 504/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellant



along with other co-accused persons abused the informant and his son by taking their caste name. Son of the informant was shot dead by co-accused King Mahendra and the appellant assaulted the informant with knife and fled away.

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 and cognizance has also been taken in this case on 03.02.2024. Allegation of fire arms has been alleged against co-accused King Mahendra. So far as the appellant is concerned, he has been alleged to have assaulted Awadhesh Yadav with knife. The doctor has opined that the injury caused to the informant is simple in nature. 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 11.12.2023, and has two criminal antecedents in which the appellant is on bail.

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



6. Considering the aforesaid facts and circumstances of the case 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 08.02.2024, passed by learned ADJ-VI-cum-Special Judge SC/ST Act, Nalanda, 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 Nagarnausha P.S. Case No. 190 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

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