

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2002 of 2024

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

Rahul Kumar son of Dinesh Prasad Village- Kheeru Bigha, ps-Nagar Nausa,
dist- Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramji Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

2 25-06-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 21.02.2024, passed by learned Additional Sessions Judge 6th-cum-Special Judge SC/ST Act Bihar Sharif, Nalanda, whereby the prayer for bail of the appellant in connection with Nagarnausa 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 co-accused Raja Babu assaulted the informant with knife and fled away. The allegation against the appellant is of challenging the son of the informant and caught hold of him.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Allegation of fire arms has been alleged against co-accused King Mahendra and co-accused Raja Babu for giving knife blow to the informant. As per FIR appellant has only challenged the son of the informant and there is no allegation of physical attack on anyone. 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 has 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 21.02.2024, passed by learned Additional Sessions Judge 6th-cum-Special Judge SC/ST Act Bihar Sharif, 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 Nagarnausa 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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