

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1974 of 2024

Arising Out of PS. Case No.-82 Year-2021 Thana- NAVINAGAR District- Aurangabad

Ganga Singh @ Gaga Singh @ Bitu Kumar Son Of Nagendra Singh Resident
Of Village - Vardiha (BARDIHA), P.S. - Nabinagar, District - Aurangabad

... .. Appellant/s

Versus

1. The State Of Bihar Bihar
2. Khelawan Ram Son Of Late Ram Kishun Ram Resident Of Village -
Vardiha (BARDIHA), P.S. - Nabinagar, District - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramendra Kumar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

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

ORAL ORDER

3 27-06-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and perused the case
diary.

2. The instant appeal has been filed by the appellant
against the order dated 22.03.2024 passed by learned Special
Judge (SC/ST)-cum-Ist Additional District and Sessions Judge,
Aurangabad, whereby the prayer for bail of the appellant in
connection with B.P. No. 215 of 2024, arising out of Nabinagar
P.S. Case No. 82 of 2021, under Sections 341, 323, 307, 504 of
the Indian Penal Code and Section 3(1)(r)/3(i)(s)/3(2)(v) of
SC/ST Act was rejected.

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



entered into the house of the informant and abused him by taking his caste name and asked him to come and work in his house. On denial, the appellant assaulted Sanjeet Kumar on his head.

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. The appellant is sole accused in this case. Due to some civil disputes between the parties, this false case has been lodged against the appellant. 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 09.03.2024 and has one criminal antecedent 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 22.03.2024



passed by learned Special Judge (SC/ST)-cum-Ist Additional District and Sessions Judge, Aurangabad, 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 B.P. No. 215 of 2024, arising out of Nabinagar P.S. Case No. 82 of 2021.

(Rudra Prakash Mishra, J)

Rajorshi/-

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