

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.156 of 2025

Arising Out of PS. Case No.-169 Year-2024 Thana- BANMANKHI District- Purnia

Amit Choudhary @ Amit Kumar S/o- Ramesh choudhary Village- Nagarhi
W.No-21, Ps- Banmankhi Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudhir Kumar @ Sudhir Paswan S/o- Krityanand Paswan R/o- Railway Colony W.No-17, Ps- Banmankhi Dist- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nishant Kumar Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

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

ORAL ORDER

5 17-04-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. Despite issuance of notice to informant, none appears.

2. The instant appeal has been filed by the appellant against the order dated 25-10-2024 passed by learned Special judge, SC/ST, Purnea whereby the prayer for bail of the appellant in connection with Banmankhi PS Case No. 169 of 2024 under Sections 323, 324, 325, 307, 504 & 506 of the IPC and Sections 3(1)(2) & 3(2)(va) of SC/ST Act was rejected.

3 Prosecution case, in short, is that appellant has assaulted the informant by means of iron rod, 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. Learned counsel for the appellant submits that though it is alleged that appellant has assaulted the informant by means of iron rod, but the injury is found to be 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 19-09-2024 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order order dated 25-10-2024 passed by learned Special judge, SC/ST, Purnea 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 Banmankhi PS Case
No. 169 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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