

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.200 of 2025

Arising Out of PS. Case No.-22 Year-2024 Thana- DEOKUND District- Aurangabad

Aman Kumar S/O Sarvesh Yadav R/O Village- Gurdhari Bigha, P.S-
Deokund, Distt.- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi W/O Nagendra Paswan R/O Village- Gurdhari Bigha, P.S-
Deokund, Distt.- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dharendra Kumar Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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

ORAL ORDER

5 19-06-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. None appears for the
informant.

2. The instant appeal has been filed by the appellant
against the order dated 17-12-2024 passed by learned 1st
Additional Sessions Judge, Aurangabad whereby the prayer for
bail of the appellant in connection with Deokund PS Case No.
22 of 2024 instituted under Sections 127(1), 115(2), 351(2),
352, 110 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and
Sections 3(i)(r)(s) and 3(2)(va) of SC/ST Act was rejected.
Earlier vide order dated 02-12-2024, passed in Cr. Appeal (SJ)
No. 4421 of 2024, anticipatory bail of the appellant was



withdrawn on account of his arrest.

3. Prosecution case, in short, is that on 25.07.2024 at about 3 PM, the informant was sitting outside her house when accused persons, including the appellant, came with sticks and started abusing and assaulting her. On hearing the noise, villagers gathered, causing the accused to flee. While leaving, they threatened to kill her and asked her to vacate the house.

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 there is admitted land dispute between the parties. There is delay of two days in lodging the FIR. There is no specific allegation against the appellant, rather allegation is general and omnibus 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 30-10-2024 and has three criminal antecedents.

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, there being no specific allegation against the appellant and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 17-12-2024 passed by 1st Additional 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 Deokund PS Case No. 22 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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