

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.218 of 2025

Arising Out of PS. Case No.-178 Year-2023 Thana- KALYANPUR District- Samastipur

Kanhaiya Kumar Jha son of Rajeev Jha village- Simariya Bhindi, Ps-
Kalyanpur, Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Kumari Sunita Devi Wife of Sanjit Kumar Bharti village- Simariya Bhindi,
Ps- Kalyanpur, Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Subhash Kumar Jha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Vasant Vikash, Advocate

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

ORAL ORDER

3 27-03-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant
against the order dated 18.12.2024 passed by learned Special
Judge, SC/ST Act, Samastipur whereby the prayer for bail of the
appellant in connection with Kalyanpur P.S. Case No. 178 of
2023 under Sections 341, 323, 307, 379, 385, 504, 506/34 of the
Indian Penal Code and Sections 3(i)(r), 3(i)(s) of SC/ST Act
was rejected.

3. The prosecution case, in short, is that the accused
persons including the appellant are alleged to have surrounded



the husband of the informant and demanded extortion. When the informant's husband denied the same, the accused persons including the appellant assaulted him, due to which he sustained injuries.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel further submitted that the allegation levelled against the appellant is general and omnibus in nature. No specific allegation is levelled 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. Learned counsel further submitted that appellant never demanded any extortion money from the informant or her husband. The appellant is in custody since 18.12.2024 and has one criminal antecedent. The co-accused person has already been granted bail by this Court vide order dated 09.11.2023 passed in Cr. Appeal (SJ) No. 4547 of 2023.

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



appellant, stating that the accused persons including the appellant are alleged to have assaulted the informant's husband due to which he sustained injuries. The injuries are found to be grievous in nature.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity 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 18.12.2024 passed by learned Special Judge, SC/ST Act, Samastipur in connection with Kalyanpur P.S. Case No. 178 of 2023 is hereby set aside.

7. Let the appellant, abovenamed, 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 in connection with Kalyanpur P.S. Case No. 178 of 2023.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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