

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.248 of 2025

Arising Out of PS. Case No.-308 Year-2024 Thana- RAFIGANJ District- Aurangabad

Md. Azaj Khan @ Monu Khan @ Mohammad Azij Khan @ Mono Khan @
Ejaj Khan S/O Nasrullah @ Nasrullah Khan R/O Village- Jhikatiya,
Ahmadpur, P.S- Rafiganj, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Bimlesh Paswan S/O Lalchand Paswan R/O Village- Sonbarsa, P.S-
Rafiganj, Distt.- aurangabad.

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

4 03-04-2025 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 12.12.2024 passed by learned Special
Judge (SC/ST)-cum-1st Additional Sessions Judge, Aurangabad
whereby the prayer for bail of the appellant in connection with
Rafiganj P.S. Case No. 308 of 2024 under Sections 303(2),
26(1), 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita,
2023 read with Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST
Act was rejected.



3. Prosecution case, in short, is that, the appellant along with other co-accused persons snatched gold chain worth Rs. 35,500/- causing him hurt and also abused him.

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 also submits that no specific overt act has been attributed against the appellant. Allegation of abusing and intimidation is against co-accused, namely, Pachua. It is further submitted that the appellant was only a member of the mob. 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 21.09.2024 and has got six criminal antecedents.

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 12.12.2024 passed by learned Special Judge (SC/ST)-cum-1st Additional Sessions Judge, Aurangabad is hereby set aside.

7. Let the appellant be released on bail *after framing of charge, if not already framed* 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 Rafiganj P.S. Case No. 308 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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