

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.432 of 2025

Arising Out of PS. Case No.-494 Year-2024 Thana- RAFIGANJ District- Aurangabad

Harsh Kumar Son of Lal Babu Resident of Charkupa, P.S.- Rafiganj, Distt.-
Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjit Kumar Son of Ramchandra Das Resident of Village- Charkawan
Nichlidi, P.S.- Rafiganj, Distt.- Aurangabad

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

3 01-05-2025 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 13-12-2024 passed by Special Judge (SC/ST)-cum-1st Additional Sessions Judge, Aurangabad whereby the prayer for bail of the appellant in connection with Rafiganj PS Case No. 494 of 2024 instituted under Sections 127(2), 115(2), 109, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST Act and Section 27 of the Arms Act was rejected.

3. Prosecution case, in short, is that appellant, with intention to kill, fired at the informant but, informant escaped



the bullet. Appellant along with other co-accused allegedly abused and has beaten the informant.

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. No fire arm injury is caused to anyone. There is general and omnibus allegation against the appellant. No incriminating article is recovered from the possession of 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 20-09-2024 and has one 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, there being no direct allegation 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 13-12-2024 passed by Special Judge (SC/ST)-cum-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 Rafiganj PS Case No. 494 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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