

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.466 of 2025

Arising Out of PS. Case No.-443 Year-2024 Thana- SIRDALA District- Nawada

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Rahul Kumar S/O Sanjay Singh Resident of Village- Masarhi, P.S.-
Gaurichak, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilchandra Rajbanshi S/O Late Asari Rajbanshi R/O Village- Sherpur, P.S-
Sirdala, Distt.- Nawada.

... .. Respondent/s

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Appearance :

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

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

ORAL ORDER

4 17-04-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State. Despite issuance of notice, none

appears for the informant.

2. The instant appeal has been filed by the appellant

against the order dated 20-12-2024 passed by Exclusive Special

Judge, SC/ST, Nawada whereby the prayer for bail of the

appellant in connection with Sirdala PS Case No. 443 of 2024

under Sections 137(2), 87, 126, 115(2), 352, 351(2) of the

Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r)(s) of SC/ST

Act was rejected.

3. Prosecution case, in short, is that informant's wife

and son went missing on 19.11.2024. On the same day, he



received a call from an unknown number, later identified as Rahul Kumar (appellant), claiming his wife was with him. When the informant went to Rahul's house, he was abused with caste-based slurs and threatened against approaching the police.

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. It is submitted that victim in her statement recorded under Section 183 of the BNSS, 2023 has not alleged any overt act against the appellant, rather she has deposed that she at her own volition living with the petitioner, owing to her marital discord with the informant. 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 04-12-2024 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, there being no allegation of overt act against the



appellant even in the statement of the victim 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 20-12-2024 passed by Exclusive Special Judge, SC/ST, Nawada 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 Sirdala PS Case No. 443 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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