

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.544 of 2025

Arising Out of PS. Case No.-735 Year-2024 Thana- GAYA MUFASIL District- Gaya

Biranj Yadav @ Niranjan Kumar @ Niranjan Yadav S/O Ravindra yadav R/O
Village- Digghi, P.S- Guraru, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pradeep Kumar S/O Vasudev Das R/O Village- Balu Par, P.S- Muffasil,
Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rabindra Kumar Priyadarshi, Advocate
For the State	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Ramakant Akela, Advocate

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

ORAL ORDER

3 17-04-2025 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 05-12-2024 passed by Exclusive Special

Judge, SC/ST, Gaya whereby the prayer for bail of the appellant

in connection with Muffasil PS Case No. 735 of 2024 instituted

under Sections 191(2), 190, 126(2), 115, 117, 303(2), 109, 352,

351(2) of the Bharatiya Nyaya Sanhita, 2023, Section 27 of the

Arms Act and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act

was rejected.

3. Prosecution case, in short, is that on 26.08.2024,



the victim and his friend Sanoj Kumar were returning from a "Grah Prawesh" ceremony when 12-15 accused persons intercepted them near 'Gauri Kanya High School' and hurled caste-based abuses. The accused brutally assaulted the victim, fracturing his hand, and robbed him of his gold chain, purse, and documents. Appellants and other co-accused also fired gunshots, and the injured were later taken to Pilgrim Hospital.

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 appellant is alleged of assaulting by means of iron rod, snatching gold chain and making aerial firing. But, so far as injury report is concerned, the same is found to be simple 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 09-10-2024 and has no criminal antecedent.

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



petitioner.

6. Considering the aforesaid facts and circumstances of the case, injury being found to be simple in nature 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 05-12-2024 passed by Exclusive Special Judge, SC/ST, Gaya 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 Muffasil PS Case No. 735 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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