

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.521 of 2025**

Arising Out of PS. Case No.-45 Year-2024 Thana- Gurupa District- Gaya

Rahul Yadav @ Rahul Kumar yadav Son of Jitendra Yadav @ Jitendra Kumar
RESIDENT OF VILLAGE -JURANG PS- GURPA DIST- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. Jhari Manjhi Son of Late Jagdish Manjhi RESIDENT OF VILLAGE
-JURANG PS- GURPA DIST- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alka Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 03-07-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 13.12.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Gurpa P.S. Case No. 45 of 2024 dated 10.08.2024 registered for the offence/s punishable u/ss 191(2), 190, 126(2), 115(2), 117(2), 109, 352, 351(2) of the B.N.S. read with Sections 3(i)(r)(s), 3(2)(v) of SC/ST Act.

3. As per the prosecution case, on 18.07.2024 at about



11 AM, the petitioner and the co-accused person came armed with iron rod, thereafter, the appellant assaulted the informant due to which his hand got fractured and the co-accused, Sunsha Manjhi assaulted the informant with iron rod on his head which began to bleed. The accused persons also came there with lathi, danda and began to abuse him. The co-accused, Mithlesh Manjhi assaulted the informant's brother Guletani Manjhi which caused fracture in his left hand. The co-accused, Jhuri Manjhi assaulted the informant's mother Sitabiya Devi on her hand and body due to which she got injured and other accused persons also assaulted the informant on his back and neck and threatening to kill him.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is a case and counter-case between both the parties. The occurrence took place on 18.07.2024 but the FIR was lodged on 18.08.2024 i.e. the delay of 23 days and there is no explanation for this delay. As per the injury report annexed at Annexure P/3, the injuries of the injured are fracture which is on non-vital part of the body. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The



appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 22.10.2024.

5. Learned Spl.P.P. for the State has vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 13.12.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Gurpa P.S. Case No. 45 of 2024 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Gurpa P.S. Case No. 45 of 2024.

(Chandra Prakash Singh, J)

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