

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.577 of 2025

Arising Out of PS. Case No.-383 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. Sunil Bin @ Sunil Kumar S/O Late Rajesh Bin @ Rajesh Prasad Resident of village- Sasamusa, P.S.- Kuchaikote, District- Gopalganj
2. Shailesh Yadav S/O Ganesh Yadav Resident of village- Sasamusa, P.S.- Kuchaikote, District- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar S/O Parmeshwar Sah Resident of village- Sasamusa, P.S.- Kuchaikote, District- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar Dubey, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Satyendra Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 24-04-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State, learned counsel for the informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellants against the order dated 15.01.2025 passed by learned Additional Sessions Judge XIth-cum-Exclusive Special Judge under SC/ST Act, Gopalganj, whereby the prayer for bail of the appellants in connection with Kuchaikote P.S. Case No. 383 of 2024 under Sections 126(2), 115(2), 118(1), 117(2), 352, 109, 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 3(i)(r) of



SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellants were scuffling and forcefully tried to enter into the shop of the informant. When brother of the informant tried to stop them, they abused him with caste slurs and brutally attacked him with bricks, stones and an iron rod causing him serious injuries.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellants also submits that the allegation levelled against the appellants are general and omnibus in nature. The appellants have been falsely implicated in this case due to dirty village politics. No specific overt act has been attributed against the appellants. 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 them. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 27.01.2025 and have 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



appellants and submitted that specific allegation of assault is levelled against the appellants and on perusal of injury report, it transpires that the injury is grievous in nature caused by hard and blunt substance. Hence, the appellants do not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 15.01.2025 passed by learned Additional Sessions Judge XIth-cum-Exclusive Special Judge under SC/ST Act, Gopalganj, is hereby set aside.

7. Let the appellants be released on bail *after framing of charge, if not already framed* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kuchaikote P.S. Case No. 383 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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