

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.685 of 2025

Arising Out of PS. Case No.-226 Year-2024 Thana- MALI District- Aurangabad

Bhola Singh Son of Late Vinod Singh Resident of Village-Kolh Manzauli,
P.S.- Mali, Distt.- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar Son of Late Ganeshi Ram Resident of Village- Kolh Manzauli, P.s.- Mali, Distt.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramendra Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 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 27-01-2025 passed by Special Judge (SC/ST)-cum-1st Additional Sessions Judge, Aurangabad whereby the prayer for bail of the appellant in connection with Mali PS Case No. 226 of 2024 instituted under Sections 126(2), 115(2), 127(2), 329(3), 352, 351(2), 351(3) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 3(1)(r) & 3(1)(s) of SC/ST Act and Section 27 of the Arms Act was rejected.

3. On 09.12.2024, the informant alleged that six accused, including appellant, surrounded his house armed with



weapons. They abused him by his caste name, issued death threats, and warned him against pursuing a rape case.

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 no injury is caused to any person. There is general and omnibus allegation against the appellant. There is subsisting land dispute between the parties. 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 20-12-2024 and has three criminal antecedents.

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 27-01-2025 passed by learned 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 Mali PS Case No. 226 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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