

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.970 of 2025

Arising Out of PS. Case No.-171 Year-2023 Thana- SAUR BAZAR District- Saharsa

Mithilesh Mehta Son of Late Uttam Lal Mehta R/o- Village- Pama Ward
No.8, P.S.- Saur Bazar (Patarghat O.P.), Distt.- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Nawal Ram Son of Late Bindeshwari Ram R/o- Village- Pama Ward No.7,
P.S.- Saur Bazar (Patarghat O.P.), Distt.- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiva Shankar Sharma, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

4 15-05-2025 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 28-01-2025 passed by learned Additional Sessions Judge 1st cum Special Judge, SC/ST, Saharsa whereby the prayer for bail of the appellant in connection with Saur Bazar PS Case No. 171 of 2023 instituted under Sections 147, 148, 149, 341, 323, 307, 354(A), 379, 504, 506 of the Indian Penal Code, Sections 3(1)(r)(s) & 3(2)(v) of SC/ST Act and Section 27 of the Arms Act was rejected.

3. Prosecution case, in short, is that on 22.03.2023, while the informant was dividing land, Rajesh Sharma and



others, including the petitioner, abused him with caste slurs, assaulted him, his brother, and father with weapons causing serious injuries. Accused Umda Devi also snatched a gold mangal sutra from Parwati Devi before fleeing the scene.

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. There is land dispute between the informant and Rajesh Sharma, one of the co-accused. There is case and counter case between the parties. There is no specific allegation against the appellant, rather allegation is general and omnibus 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 07-08-2024 and has no criminal antecedent. Other co-accused have been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 11-01-2024, passed in Cr. Misc. No. 4550 of 2023.

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, allegation being general and omnibus in nature, claim based on parity 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 28-01-2025 passed by learned Additional Sessions Judge 1st cum Special Judge, SC/ST, Saharsa 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 Saur Bazar PS Case No. 171 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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