

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1142 of 2025

Arising Out of PS. Case No.-112 Year-2024 Thana- Mufassil District- Khagaria

=====

Suman Mishra son of Vijay Mishra Village- Amani PS- Mansi Distt -Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamta Kumari Late Rohit Ram R/V- Amani, P.S.- Mansi, Dist- Khagaria

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Vishwanath Prasad, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Shailendra Kumar Singh, Advocate

=====

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

ORAL ORDER

4 16-09-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 23.12.2024 passed by Additional Sessions Judge I-cum-Special Judge, SC/ST, Khagaria whereby the prayer for bail of the appellant in connection with Muffasil (Khagaria) P.S. Case No. 112 of 2024 under Sections 191(2), 191(3), 190, 103(1) of the Bharatiya Nyaya Sanhita, 2023, Section 3(2v) of the SC/ST Act and Section 27 of the Arms Act was rejected.

3. The prosecution case, in brief, is that on 22.08.2024 at about 02:00 PM, the informant Mamta Kumari received



information that Sanjiv Ram was being attacked by several accused persons, all armed with firearms. When her husband and others went to intervene, the accused persons allegedly abused them using caste-based slurs and collectively participated in the assault.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is general and omnibus allegation against the appellant rather the specific allegation of firing is against co-accused Chhabial Yadav. Appellant was only the member of unlawful assembly. 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 22.10.2024 and has two criminal antecedents.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that postmortem report corroborates the allegation as levelled in the FIR.

6. Considering the aforesaid facts and circumstances



of the case, there being no direct allegation against the appellant as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal.

7. Accordingly, the appeal is allowed and order dated 23.12.2024 passed by Additional Sessions Judge I-cum-Special Judge, SC/ST, Khagaria in connection with Muffasil (Khagaria) P.S. Case No. 112 of 2024 is hereby set aside.

8. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Muffasil (Khagaria) P.S. Case No. 112 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

