

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1200 of 2025

Arising Out of PS. Case No.-511 Year-2024 Thana- CIVIL LINE District- Gaya

Brishketu Kumar @ Brishketu Sharma Son of Sudhanshu Sharma Resident of
Village - Bhor, P.S. - Pura and District - Gaya, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Durga Dutta Kumar Son of Ram Chandra Ram Resident of Village - Matai,
Post - Bhor, P.S. - Panchanpur and District - Gaya, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prafull Chandra Jha, Advocate Mr. Avinash Chandra, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Ms. Roona, Advocate

**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 and learned counsel for

the informant/Respondent No. 2.

2. The instant appeal has been filed by the appellant
against the order dated 28.02.2025 passed by Learned Exclusive
Special Judge, SC/ST, Gaya whereby the prayer for bail of the
appellant in connection with Civil Lines P.S. Case No. 511 of
2024 under Sections 191(2), 190, 126(2), 115(2), 352, 303(2),
117(2), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023,
read with Section 3(i)(r)/3(i)(s) of SC/ST Act was rejected and
Section 109 of of the Bharatiya Nyaya Sanhita, 2023 was added
later on.



3. Prosecution case, in short, is that, the appellant along with other co-accused persons abused and assaulted the victim by means of revolved and iron rod and inflicted grievous injury over the face of victim and also robbed Rs. 5000/- from him.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel for the appellant also submits that no specific allegation has been levelled against the appellant. The place of occurrence is a densely populated area equipped with several CCTV in the locality but the police has not bothered to procure any of the CCTV footage. 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. Charge-sheet has been submitted in this case under Sections 191(2), 190, 115(2), 352, 303(2), 117(2), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023. The appellant is in custody since 09.02.2025 and has got eight criminal antecedents in which he is on bail in five cases and has been acquitted in one case.



5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 28.02.2025 passed by Learned Exclusive Special Judge, SC/ST, Gaya 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 Civil Lines P.S. Case No. 511 of 2024, subject to the following conditions:

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

(II) The appellant 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 appellant.

(Rudra Prakash Mishra, J)

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