

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1183 of 2025

Arising Out of PS. Case No.-171 Year-2024 Thana- YADOPUR District- Gopalganj

Manoj Yadav S/o Gautam Yadav Resident of Village- Jadopur Sukul, P.S.-
Jadopur, District- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Akash Kumar S/o Janbahadur Singh R/o- Jadopur Purena, P.S.- Jadopur,
District- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Adesh Raj Singh, Advocate
For the State : Ms. Usha Kumari 1, SPP
For the Informant : Mr. Mazharul Hassan, Advocate

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

ORAL ORDER

3 15-05-2025 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State and learned counsel for the
informant.

2. The instant appeal has been filed by the appellant
against the order dated 13-02-2025 passed by learned Additional
Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act,
Gopalganj whereby the prayer for bail of the appellant in
connection with Jadopur PS Case No. 171 of 2024 instituted
under Sections 126(2), 115, 118(2), 109(3) of the Bharatiya
Nyaya Sanhita (BNS), 2023 [later Section 103(1) of the BNS



was added] and Sections 3(1)(r)(s) & 3(2)(va) SC/ST Act was rejected.

3. Prosecution case, in short, is that on 25.10.2024 at about 08:30 P.M., while the informant and others were riding a motorcycle, accused Raushan Kumar and his associates stopped them at a secluded place and attempted to rob them at gunpoint. When they protested, Sonu Yadav and Manoj Yadav attacked the informant and others with a knife, causing serious injuries.

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. Learned counsel for the appellant submits that there is no allegation of assault upon the deceased by the appellant. Appellant, allegedly assaulted informant and Chhathu Kumar. Specific allegation of assault against upon the deceased is on other co-accused persons. 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 11-11-2024 and has 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 petitioner and submitted that appellant has confessed his guilt and the injury of the injured against whom there is allegation of assault against the appellant is kept reserved.

6. Considering the aforesaid facts and circumstances of the case, charge sheet being submitted, there being no allegation of assault upon the deceased by the appellant 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 13-02-2025 passed by learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj 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 Jadopur PS Case No. 171 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.

(III) Appellant shall not leave the territorial jurisdiction of the court below without its prior permission.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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

