

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1424 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- Marnga District- Purnia

-
1. Alokit Jha @ Alokit Kumar Jha Son of Late Surya Narayan Jha Resident of Village- Shivshakti Nagar, P.S.- Maranga, District- Purnea
 2. Vinay Kumar @ Vinay Kr. Jha Son of Alokit Jha Resident of Village- Shivshakti Nagar, P.S.- Maranga, District- Purnea

... .. appellants/s

Versus

1. The State of Bihar
2. Manindara Kaushal Son of Late Gulai Ram Resident of Village- Shivshakti Nagar, P.S.- Maranga, District- Purnea

... .. Respondent/s

Appearance :

For the appellants/s	:	Mr. Md Musowir, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Ram Pravesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 03-07-2025 Heard learned counsel for the appellants, 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 appellants against the order dated 05.03.2025 passed by learned Special Judge, SC/ST Act, Purnea whereby the prayer for bail of the appellants in connection with Maranga P.S. Case No. 31 of 2025 under Sections 117(2), 115(2), 308(2), 318(4), 118(1), 109, 303(2), 351(2), 352, 3(5) of the BNS and Sections 3(i)(r)(s), 3(2)(va) of SC/ST Act was rejected.



3. The prosecution case, in short, is that, all the FIR named accused persons along with 5-6 unknown individuals, abused the informant by caste name, assaulted him, got his signature at gunpoint and on the direction of co-accused Manju Devi, attacked him and his family with iron rod, dabiya, lathi and danda, dragged his wife by the neck and tore her clothes.

4. Learned counsel for the appellants submits that the appellants has falsely been implicated in the present case. Charge-sheet has been submits in this case. Learned counsel further submits that the occurrence took place on a petty dispute in which both sides sustained injuries. Learned counsel further submits that as per FIR, appellant no.1 assaulted the son of the informant with dabiya whereas appellant no.2 assaulted the informant by means of iron rod. Learned counsel further submits that there is case and counter-case between the parties. Learned counsel for the appellants further submits that the appellants have 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 appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 04.02.2025 and have one criminal antecedent.



5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants, stating that the injuries sustained by the injured are grievous in nature caused by hard and blunt object.

6. Considering the aforesaid facts and circumstances of the case, case and counter-case as also the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 05.03.2025 passed by learned Special Judge, SC/ST Act, Purnea in connection with Maranga P.S. Case No. 31 of 2025 is hereby set aside.

7. Let the appellants, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Maranga P.S. Case No. 31 of 2025, subject to the following conditions:

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

(II) The appellants 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 appellants.



(III) If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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

