

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1617 of 2025

Arising Out of PS. Case No.-492 Year-2024 Thana- TEKARI District- Gaya

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1. Ragi Paswan @ Rangi Paswan @ Ramchandra Paswan S/O Late Munaric Paswan R/O Village- Kharagpura, P.S- Tekari, Distt.- Gaya.
 2. Dharmendra Kumar @ Dharmendra Kumar Paswan S/O Ragi Paswan @ Rangi Paswan @ Ramchandra Paswan R/O Village- Kharagpura, P.S- Tekari, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Kumar S/O Late Haricharan Paswan R/O Village- Jagdishpur, P.S- Manikpur, Distt.- Arwal.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prithivi Raj Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 03-07-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State, learned counsel for the informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellants against the order dated 18.01.2025 passed by learned Exclusive Special Judge SC & ST, Gaya whereby the prayer for bail of the appellants in connection with Tekari P.S. Case No. 492 of 2024 under Sections 127(1), 127(2), 103(1), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 3(2)(va), 3(2)(v), 3(1)(s), 3(1)(r) of SC/ST Act and Section 27 of the



Arms Act was rejected.

3. Prosecution case, in short, is that, the appellants made harsh firing due to which son of the informant was killed.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellants also submits that no specific allegation has been made against the appellants, rather the same is general and omnibus in nature. The informant and accused persons are relatives and they have no any reason to kill the victim. 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 them. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 29.11.2024 and have got 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 appellants.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the



appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 18.01.2025 passed by learned Exclusive Special Judge SC & ST, Gaya is hereby set aside.

7. Let the appellants 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 Tekari P.S. Case No. 492 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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