

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1669 of 2025**

Arising Out of PS. Case No.-49 Year-2025 Thana- GARKHA District- Saran

Bhupendra Singh @ Bhupu Singh S/o Gorakh Singh R/o Village and PO-
Garkha, PS- Garkha, District- saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi W/o Dilip Ram R/o vill and P.O .- Garkha, P.S.- Garkha, Distt.-
Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Awnish Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant	:	None

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

ORAL ORDER

4 03-07-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. None appears on behalf
of the informant despite notice being validly served. Perused the
case diary.

2. The instant appeal has been filed by the appellant
against the order dated 28.03.2025 read with order dated
16.04.2025 passed by learned Exclusive Special Judge, SC/ST,
Saran at Chapra whereby the prayer for bail of the appellant in
connection with Garkha P.S. Case No. 49 of 2025 under
Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 117(2),
109, 74, 303(2), 352 of BNS and Sections 3(1)(r), 3(1)(s), 3(2)
(va) of SC/ST Act was rejected.



3. As per the prosecution case, the appellant is alleged to have assaulted the informant by means of iron rod and also abused her with caste slurs, as a result of which she sustained pelvic fracture.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case due to previous land dispute between the parties. He further submits that general and omnibus allegation has been made against the accused persons. He further submits that as per allegation levelled in the FIR, this appellant assaulted the informant by means of iron rod due to which she sustained pelvic fracture but as per injury report of the informant, only pain and swelling was found in the legs and knee joints caused by hard blunt object. Charge-sheet has been submits in this case. 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 21.01.2025 and has no criminal antecedent.

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



6. Considering the aforesaid facts and circumstances of the case, nature of injuries sustained by the informant and charge-sheet being submits as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 28.03.2025 read with order dated 16.04.2025 passed by learned Exclusive Special Judge, SC/ST, Saran at Chapra in connection with Garkha P.S. Case No. 49 of 2025 is hereby set aside.

7. Let the appellant, abovenamed, 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 Garkha P.S. Case No. 49 of 2025.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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