

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1729 of 2025**

Arising Out of PS. Case No.-90 Year-2025 Thana- MUFFASIL District- Aurangabad

Vijayanand Kumar @ Tutu Kumar S/o Late Ramjee Prasad Resident of
Village- Rajoi, P.S.- Aurangabad Muffasil, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Jiremaniya Kuar W/o Late Jayant Paswan Resident of Village- Rajoi, P.S.-
Aurangabad Muffasil, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binod Kumar Pandey, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Sanjay Kumar Tiwari, Advocate

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

ORAL ORDER

4 07-08-2025 Heard learned counsel for the appellant, 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 appellant against the order dated 09.04.2025 passed by learned ADJ-1st-cum Special Judge, (SC/ST, NDPS, Children Act), Aurangabad whereby the prayer for bail of the appellant in connection with Aurangabad (Muffasil) P.S. Case No. 90 of 2025 under Sections 126(2), 115(2), 352, 351(2), 109(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act was rejected.

3. The prosecution case, in short, is that all the accused



persons including the appellant entered the house of the informant and assaulted the informant and her family members due to which they sustained injuries.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. The allegation against the appellant is general and omnibus in nature and there is no specific overt act against the appellant. The specific allegation of assault is against co-accused Anuj Chandravanshi. There is case and counter-case between the parties. Learned counsel further submitted that in the alleged occurrence, total six persons sustained injuries but the injuries are simple in nature. 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. The appellant is in custody since 16.03.2025 and has no criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation against 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 09.04.2025 passed by learned ADJ-1st-cum Special Judge, (SC/ST, NDPS, Children Act), Aurangabad in connection with Aurangabad (Muffasil) P.S. Case No. 90 of 2025 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Aurangabad (Muffasil) P.S. Case No. 90 of 2025.

(Rudra Prakash Mishra, J)

Alok Verma/-

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

