

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1835 of 2025

Arising Out of PS. Case No.-20 Year-2024 Thana- SC/ST District- Lakhisarai

Santosh Kumar @ Santosh Yadav Son of Ram Karan Yadav Village -Abgil
Rampur PS- Medni Chowki, Dist -Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithlesh Kumar Paswan son of Manoj Paswan Village- Koli, Ps- Halsi,
Dist- lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Parmanand Pd. Nr. Sahi, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, APP
For the Informant	:	Mr. Rohit Raj, Advocate

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

ORAL ORDER

4 03-07-2025 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 19.04.2025 passed by learned Additional
Session Judge Ist-cum-Special Judge, SC/ST Act, Lakhisarai
whereby the prayer for bail of the appellant in connection with
Lakhisarai SC/ST P.S. Case No. 20 of 2024 under Sections
126(2), 115, 318(2), 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 appellant
along with other co-accused cheated the informant of Rs. 12



lakhs in the name of providing job in Coal India.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submits that there is no specific overt act against the appellant and the allegation is vague and general in nature. He further submits that appellant had no opportunity to appoint any person in the government job. Learned counsel further submits that except the allegations levelled under the SC/ST Act, all other Sections of Bharatiya Nyaya Sanhita are bailable 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. Charge-sheet has been submitted in this case. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 30.01.2025 and has 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 appellant.

6. Considering the aforesaid facts and circumstances of the case, nature of allegation 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 19.04.2025 passed by learned Additional Session Judge Ist-cum-Special Judge, SC/ST Act, Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No. 20 of 2024 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 Lakhisarai SC/ST P.S. Case No. 20 of 2024.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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