

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1893 of 2025

Arising Out of PS. Case No.-159 Year-2024 Thana- INDUSTRIAL AREA District- Vaishali

Shailendra Kumar S/o- Late Suresh Prasad Moh- Sandal Ps- Bahadurpur Dist-
Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Munarik Paswan S/o- Late Ram Ekbal Paswan Village- Madhpur Sidhara
Ps- Mahua Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhay Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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

ORAL ORDER

4 17-09-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and perused the case
diary.

2. The instant appeal has been filed by the appellant
against the order dated 15.04.2025 passed by learned Exclusive
Special Court (SC/ST)-cum-Additional and Sessions Judge,
Vaishali at Hajipur whereby the prayer for anticipatory bail of
the appellant in connection with Hajipur Industrial P.S. Case No.
159 of 2024 under Sections 103, 3(5) of the Bharatiya Nyaya
Sanhita, 2023, read with Sections 3(1)(r), 3(1)(s) and 3(2)(v) of
SC/ST Act was rejected.

3. Prosecution case, in short, is that informant's son
was attacked with a knife near Paswan Chowk, Hajipur by co-



accused Kumar Gaurav from a car while the appellant along with other co-accused Ravi Kumar assisted him. Later, the injured was brought to the hospital by the driver where he was declared dead.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant submits that the appellant was not present at the place of occurrence. Name of the appellant has transpired on the basis of confessional statement of co-accused, namely, Ravi Kumar and the same has got no evidentiary value. No specific allegation of assault has been attributed against the appellant rather the same is general and omnibus in nature. Specific allegation of knife blow is against co-accused Kumar Gaurav. Learned counsel for the petitioner, therefore, contends that *prima-facie*, no case is made out against the petitioner. 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 has got no criminal antecedent.



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

6. Considering the aforesaid facts and circumstances of the case 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 15.04.2025 passed by learned Exclusive Special Court (SC/ST)-cum-Additional and Sessions Judge, Vaishali at Hajipur is hereby set aside.

7. Let the appellant, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory 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 Hajipur Industrial P.S. Case No. 159 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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