

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1901 of 2025**

Arising Out of PS. Case No.-29 Year-2024 Thana- SIMRI District- Darbhanga

Rajnikant Jha S/o Late Sitaram Jha R/o Village- Ladaur, P.S.- Gaighat,
District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ganaur Das S/o Late Busu Das R/o Village- Harpur, P.S.- Simri, District- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Madhumala Kumari, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Sanjay Kumar, Advocate

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

ORAL ORDER

4 04-09-2025 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 24.04.2025 passed by learned Exclusive Special Judge-SC/ST Act, Darbhanga whereby the prayer for bail of the appellant in connection with Simri P.S. Case No. 29 of 2024 under Sections 341, 342, 323, 308, 504, 34 of the Indian Penal Code and Sections 3(i)(r), 3(i)(s) of SC/ST Act was rejected.

3. The prosecution case, in short, is that the appellant along with other accused persons brutally assaulted the



informant with bamboo stick.

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 a delay of about four months in lodging the FIR without any plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submits that contention of the prosecution is also not made out from the injury report. 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. Police, after investigation, submitted charge-sheet under Sections 341, 323, 308, 504, 506, 34 of the Indian Penal Code including offences under SC/ST Act. The appellant is in custody since 13.04.2025 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, stating that this appellant brutally assaulted the informant and due to which he sustained serious injuries on his head.



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 24.04.2025 passed by learned Exclusive Special Judge-SC/ST Act, Darbhanga in connection with Simri P.S. Case No. 29 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail, *after framing of charge, if not already framed*, 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 Simri P.S. Case No. 29 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

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