

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1996 of 2025**

Arising Out of PS. Case No.-57 Year-2025 Thana- KATRA District- Muzaffarpur

Radhey Shyam Mishra S/O Late Yogendra Mishra Resident Of Village-
Sonpur Gotoli, PS- Katra, Distt-Muzaffarpur Appellant/s
Versus

1. The State of Bihar
2. Vishwanath Manjhi R/O Village-Dargah, PS-Katra, Distt-Muzaffarpur
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manindra Kishore Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 25-09-2025 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail vide order dated
17.04.2025 passed by the Court of learned Exclusive Special
Judge SC/ST (POA) Act, Muzaffarpur in connection with Katra
P.S. Case No. 57 of 2025 Dated 18.03.2025 registered for the
offence/s punishable u/ss 191(2), 191(3), 109, 303, 324(4),
126(2), 115(2), 351(2), 351(4) of B.N.S and Section 3(1) (r),
3(1)(s) of SC/ST (POA) Act.

3. As per prosecution case, on 13.03.2025, when the



informant along with his nephew namely, Suraj Kumar were returning home (Dargah) and then they reached nt Bakhri Gatoli, the accused persons namely, Vijay Sah, Mukund Kumar, Dasrath Sharma, Khobhari Sah, Sukul Tiwari, Pawan Singh along with the other 25-30 unknown persons stopped the motorcycle of the informant and snatched the key of the said motorcycle and started assaulting them by calling thieves. When the informant said he is nota thief and his house is in musahar tola at Dangah. Thereafter, the co-accused, Vijay Sah started assaulting and abusing them by calling their caste name and also snatched Rs. 10,000/- in cash from them. Thereafter, the villagers gathered there and both of them were saved and admitted to the hospital for treatment.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the FIR. The name of the appellant has sprung in this case during investigation on the basis of suspicion that he is also a co-villager and resident of village where occurrence took place. The appellant has no concern with the alleged occurrence and he has neither assaulted nor abused the informant and his nephew. It is further submitted that specific allegation is against the co-



accused Vijay Sah. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody in this case since 29.03.2025.

5. Learned Spl.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 17.04.2025 passed by the Court of learned Exclusive Special Judge SC/ST (POA) Act, Muzaffarpur, in connection with Katra P.S. Case No. 57 of 2025 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST (POA) Act, Muzaffarpur in connection with Katra P.S. Case No. 57 of 2025.

(Chandra Prakash Singh, J)

Raj Ranjan/-

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