

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2041 of 2025**

Arising Out of PS. Case No.-205 Year-2025 Thana- KONCH District- Gaya

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1. Pankaj Kumar Son of Baliram Mistry Resident of Village - Uphara, Police Station - Uphara, District - Aurangabad.
 2. Shiv Kumar Sharma Son of Rajendra Sharma, Resident of Village- Jhiktiya, Police Station- Bandeya, District- Aurangabad.
 3. Rajesh Sharma Son of Dharmdev Mistry Resident of Village- Tetarpur, Police Station - Tekari, District - Gaya.
 4. Abhishek Kumar @ Chandra Kr. Mistri @ Chandan Kumar Mistri @ Chandan Kumar Mistry Son of Raju Sharma Resident of Village - Sarhi, Police Station- Shakurabad, District - Jehanabad.
 5. Dhananjay Sharma Son of Sidheshwar Sharma Resident of Village- Ankopur, Rampur Choram, Police Station Arwal, District Arwal.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vivek Kumar Son of Judagir Paswan Resident of Village - Mithapur, Police Station - Konch, District Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aryan Singh, Adv
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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

ORAL ORDER

3 14-11-2025 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 25.04.2025 passed by learned Exclusive Special Judge, SC/ST Act, Gaya, whereby the prayer for bail of the appellants in connection with Konch P.S. Case No. 205 of 2025 under Sections 126(2), 115(2), 103(1), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(1)(t) and 3(2)(v) of the SC/ST Act was



rejected.

3. The prosecution case, in short, is that the accused persons including the appellants abused the informant and his brother by taking caste name and they also assaulted the informant's uncle, as a result of which he died during the course of treatment.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. Learned counsel further submits that the allegations levelled against the appellants are general and omnibus in nature. There is no specific allegation of assaulting the deceased is made out against the appellants rather the specific allegation of assaulting the deceased is against the co-accused Kapil Mistry, Ganesh Mistry and Ramesh Mistry. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the informant in public, hence, no offence under the provisions of SC/ST Act is made out against them. The appellants had no intention to disgrace the image of the informant in public view. The appellants have clean criminal antecedent as stated at para 3 of the bail petition. The appellants are in custody since 22.03.2025.

5. Learned Spl. P.P. for the State has 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 25.04.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya, in connection with Konch P.S. Case No. 205 of 2025 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are 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 Act, Gaya, in connection with Konch P.S. Case No. 205 of 2025, with a condition/s:-

(i). The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the appellant is liable to be cancelled.

8. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

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