

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2163 of 2025

Arising Out of PS. Case No.-28 Year-2024 Thana- SC/ST District- Saharsa

Ram Sharma @ Ram Kumar Sharma Son of Jitan Sharma Village -Bataraha,
Ward no 42, PS- Sadar, District -Saharsa

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Laxmi Devi Wife of Pankaj Ram Village -Bataraha, Ward no 42, PS- Sadar,
District -Saharsa

... .. Respondent/s

Appearance :
For the Appellant/s : Mr. Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP
For the Informant : Mr. Jitendra Narayan, Advocate

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

ORAL ORDER

3 31-07-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 22.04.2025 passed by learned Additional
Sessions Judge-I-cum-Special Court, SC/ST Act, Saharsa
whereby the prayer for bail of the appellant in connection with
Saharsa SC/ST P.S. Case No. 28 of 2024 under Sections 126(2),
115(2), 117(2), 303(2), 329(3), 352, 3(5) of the Bharatiya Nyaya
Sanhita, 2023 and Sections 3(1)(r)(s)(w)(i), 3(2)(va) of SC/ST
Act was rejected.

3. The prosecution case, in short, is that the appellant



along with other co-accused persons assaulted the informant's husband and others with rods and sticks due to which they sustained injuries and fracture. It is further alleged that the appellant abused and also tried to outrage the modesty of the informant.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is a delay of four days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that there is general and omnibus allegation against the appellant. The only specific allegation against this appellant gave iron rod blow to one Shiv Shankar Ram due to which he sustained injuries. The injuries sustained by Shiv Shankar Ram is grievous in nature. Learned counsel further contended that there is case and counter-case between the parties. 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. Learned counsel further submitted that all the offences are bailable in



nature expect offences under the SC/ST Act. The appellant is in custody since 30.12.2024 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 as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 22.04.2025 passed by learned Additional Sessions Judge-I-cum-Special Court, SC/ST Act, Saharsa in connection with Saharsa SC/ST P.S. Case No. 28 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 Saharsa SC/ST P.S. Case No. 28 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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