

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2162 of 2025

Arising Out of PS. Case No.-242 Year-2024 Thana- MOHANPUR District- Gaya

Guddu Yadav S/O Raj Kumar Yadav R/O Village- Dematola Pathra, P.S-
Mohanpur, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Basdeo Manjhi S/O Late Mathura Manjhi R/O Village- Dematola Pathra,
P.S- Mohanpur, Dist.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Ranjan Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	None

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

ORAL ORDER

4 07-08-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 02.04.2025 passed by learned Exclusive Special Judge, SC/ST Gaya whereby the prayer for bail of the appellant in connection with Mohanpur P.S. Case No. 242 of 2024 under Sections 103(1), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(i)(r), 3(2)(v) of SC/ST Act was rejected.

3. The prosecution case, in short, is that, on the alleged date and time of occurrence, the informant's brother was assaulted with lathi-dana by accused persons including the



appellant due to which he died. The accused persons also used caste-based abusive language before the assault.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that general and omnibus allegation has been made against the appellant and no direct material or overt act is alleged against the appellant. Learned counsel further submitted that the appellant is being dragged in this case merely due to local village politics and no any notice has been assigned by the informant for such an occurrence. 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. Charge-sheet has been submitted in this case. The appellant is in custody since 21.07.2025 and has two criminal antecedents.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant, stating that that all the accused persons including the appellant brutally assaulted the deceased due to which he died.

6. Considering the aforesaid facts and circumstances



of the case, there being no direct allegation against the appellant 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 02.04.2025 passed by learned Exclusive Special Judge, SC/ST Gaya in connection with Mohanpur P.S. Case No. 242 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, be released on 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 Mohanpur P.S. Case No. 242 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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