

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2276 of 2025

Arising Out of PS. Case No.-992 Year-2024 Thana- JAHANABAD District- Jehanabad

Rakesh Kewat Son of Late Ramashish Kewat R/o Mohalla -Malahchak, PS
and Distt.- Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Kari Devi Wife of Late Lallu Ram Resident of Mohalla- Ambedkar Nagar,
P.S. and District- Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Paras Nath, Advocate
For the State	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Devendra Prasad Singh, Advocate

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

ORAL ORDER

4 25-09-2025 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 16.04.2025 passed by learned 1st
Additional Sessions Judge-cum-Special Judge, SC/ST Act,
Jehanabad, whereby the prayer for bail of the appellant in
connection with Jehanabad PS Case No. 992 of 2024 instituted
under Section 103 of the Bharatiya Nyaya Sanhita, 2023 and
Sections 3(1)(r)(s) & 3(2)(va) of SC/ST Act was rejected.

3. The prosecution case, in short, is that on
14.12.2024 at about 9:30 A.M., the informant's husband, after



cleaning garbage, went to the appellant's tea stall for tea, where the appellant abused him by caste name and assaulted him, causing injuries from which he later died during treatment at Sadar Hospital, Jehanabad.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case on suspicion, as no eye-witness supports the prosecution version. It is urged that the deceased, being in a drunken condition, fell during an altercation and sustained head injury leading to death. The appellant himself took the deceased to hospital but was later assaulted by the deceased's relatives, for which he lodged a case. Hence, no offence under Section 103 BNS or SC/ST (PoA) Act is made out, at best it falls under Section 105 BNS. 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. The appellant is in custody since 18.12.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the



petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 16.04.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Jehanabad is hereby set aside.

7. Let the appellant 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 Jehanabad PS Case No. 992 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)

Raj Kishore/-

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