

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2339 of 2025

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

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1. Ramesh Mistri S/O Kapil Mistri @ Kapildev Mistri @ Kapil Dev Mistri R/O Vill.- Mithapur, P.s.- Konch, Dist.- Gaya.
 2. Kapil Mistri @ Kapildev Mistri @ Kapil Dev Mistri Son of Late Ramchandra Mistri R/O Vill.- Mithapur, P.s.- Konch, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vivek Kumar S/O Judagir Paswan R/O Vill.- Mithapur, P.s.- Konch, Dist.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aryan Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Yashpal Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 04-09-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellants against the order dated 19.05.2025 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, 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 caste based slurs and 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 against the appellants. Learned counsel for the appellants further submits that the appellants have 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 them. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 22.03.2025 and have 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 appellants, stating that there is direct allegation against the



appellant, namely Ramesh Mistri that he along with other accused persons assaulted the deceased with lathi and as a result of which the deceased died and the allegation is further supported by the post-mortem report.

6. Considering the aforesaid facts and circumstances of the case as also there being specific allegation against the appellant no. 1, namely, Ramesh Mistri that he assaulted the deceased lathi, this Court is not inclined to grant bail to him and Accordingly, the prayer for grant of bail to appellant No. 1 namely, Ramesh Mistri is *rejected*.

7. So far as appellant no. 2 is concerned, there being general and omnibus allegation against him as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed as against appellant no. 2 and order dated 19.05.2025 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Konch P.S. Case No. 205 of 2025 is hereby set aside as against appellant no. 2.

8. Let the appellant no. 2, namely, Kapil Mistri 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 Konch P.S. Case No. 205 of 2025.

(Rudra Prakash Mishra, J)

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