

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2333 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- SAHIYARA District- Sitamarhi

Naresh Kumar S/O Akloo Mahto R/O Village- Niamatullahpur, P.S-
Bathnaha, Distt.- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gangawati Devi W/O Rambali R/O Village- Pure Chandi Ka Purwa Majre
Meramau, P.O and P.S- Gurubakshganj, Distt.- Rai Bareli (Uttarpradesh).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pushpendra Kumar Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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

ORAL ORDER

5 16-10-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and perused the case

diary.

2. The instant appeal has been filed by the appellant
against the order dated 23.05.2025 passed by learned 1st
Additional Sessions Judge-cum-Special Judge, SC/ST (POA)
Act, Sitamarhi whereby the prayer for bail of the appellant in
connection with Sahiyara P.S. Case No. 56 of 2025 under
Sections 126(2), 127(2), 115(2), 137(2), 140(3), 352, 351(2),
351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with
Sections 3(1)(r) and 3(1)(s) of SC/ST Act was rejected.

3. Prosecution case, in short, is that the appellant



along with other co-accused persons have assaulted informant's son as also threatened to kill him and he is untraceable since then. As per suspicion of the informant, it is further alleged that the accused persons have kidnapped her son and his mobile phone is also switched off.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that no specific allegation has been attributed against the appellant rather the same is general and omnibus in nature. It is next submitted that there is no any eye witness to the said occurrence. Dead body of the deceased has been recovered on the confession of co-accused, namely, Vijay Singh. 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 30.04.2025 and has got no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.



6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 23.05.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi is hereby set aside.

7. Let the appellant be released on bail *after framing of charge, if not already framed* 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 Sahiyara P.S. Case No. 56 of 2025, 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)

Rajorshi/-

U		T	
---	--	---	--

