

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2524 of 2025

Arising Out of PS. Case No.-162 Year-2025 Thana- MAHNAR District- Vaishali

Sunny Mishra @ Sunny Kumar S/o Amaresh Kumar Mishra Resident of Mahnar Nagar Parishad, Ward No 08 Cinema Road, Mahnar, PS - Mahnar, District - Vaishali at Hajipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Raushan Kumar S/o Pappu Paswan R/o Mahnar (Chouri), ward no. 16, P.s.- Mahnar, Distt.- Vaishali at Hazipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Subodh Kumar Jha, Advocate Mr. Pranav Kumar Jha, Advocate Mr. Chandra Mohan Jha, Advocate
For the State	:	Ms. Usha Kumari 1, SPP
For the Informant	:	Mr. Bipin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 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 30.05.2025 passed by learned Exclusive Special Judge, SC/ST Act-cum-District & Additional Sessions Judge, Vaishali at Hajipur whereby the prayer for bail of the appellant in connection with Mahnar PS Case No. 162 of 2025 instituted under Sections 126(2), 115(2), 117(2), 109, 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and



Sections 3(i)(r)(s) & 3(2)(v) of SC/ST Act was rejected.

3. The prosecution case, in short, is that on 25.04.2025 at about 9:30 P.M., the informant and his friend were stopped by named accused Raushan Kumar, Aman Patel, Sunni Mishra (appellant) and others, who abused them by caste name, assaulted with iron rod and farsa causing head injury, dragged and beat them, and also threatened to kill if the case was lodged. The injured were treated at Mahnar Hospital.

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. There is no specific allegation against the appellant, rather the same is general and omnibus in nature. Even if the allegation is taken on its face value, the injury of the injured is found to be simple in nature. 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 06.05.2025 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 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 30.05.2025 passed by learned Exclusive Special Judge, SC/ST Act-cum-District & Additional Sessions Judge, Vaishali at Hajipur 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 Mahnar PS Case No. 162 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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