

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2688 of 2025**

Arising Out of PS. Case No.-194 Year-2025 Thana- GOPALGANJ TOWN District-
Gopalganj

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Bittu Shah @ Bittu Sah S/o Brij Kishore Sah @ Bhalu Sah Resident of
village- Nawada Khas, P.S.- Gopalganj, Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramjhari Devi W/o Late Daroga Majhi R/o Vill- Nawada Khas, P.S.-
Gopalganj, Distt- Gopalganj

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Subhash Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

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

ORAL ORDER

4 11-09-2025 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 05.06.2025 passed by Learned
Additional Sessions Judge-XI-cum-Exclusive Special Judge
Under SC/ST Act, Gopalganj whereby the prayer for bail of the
appellant in connection with Gopalganj P.S. Case No. 194 of
2025 under Sections 103(1), 35 of the Bharatiya Nyaya Sanhita,
2023, and Section 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that the appellant
along with other co-accused persons took away informant's son



and stabbed him to death.

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 specific allegation of stabbing informant's son to death is against co-accused, namely, Ranjan Kumar. 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 16.03.2025 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 05.06.2025 passed by Learned Additional Sessions Judge-XI-cum-



Exclusive Special Judge Under SC/ST Act, Gopalganj is hereby set aside.

7. Let the appellant 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 Gopalganj P.S. Case No. 194 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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