

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2706 of 2025**

Arising Out of PS. Case No.-28 Year-2025 Thana- PACHMAHLA District- Patna

Subodh Tanti @ Subodh Kumar S/o Late Rubi Tanti R/o Village- Hemja, PS-  
Pachamahla, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithun Kumar S/o Late Ram Vilash Paswan R/o vill - Hemja, P.S.-  
Panchamahla, Distt.- Patna

... .. Respondent/s

**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Appellant/s  | : | Mr. Madhuresh Singh, Advocate      |
| For the Respondent/s | : | Mr. Sadanand Paswan, SPP           |
| For the Informant    | : | Mr. Aditya Kumar Kashyap, Advocate |

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

ORAL ORDER

3      04-09-2025                      Heard learned counsel for the appellant, learned  
Special Public Prosecutor for the State, learned counsel for the  
informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant  
against the order dated 14.05.2025 passed by learned Exclusive  
Special Judge SC/ST Act, Civil Court (Sadar), Patna whereby  
the prayer for bail of the appellant in connection with  
Panchmala P.S. Case No. 28 of 2025 under Sections 126(2),  
115, 117, 118(2), 74, 109, 332(c), 352, 351(2), 3(5) of the  
Bharatiya Nyaya Sanhita, 2023, read with Sections 3(i)(r)(s)(w)  
of SC/ST Act was rejected, Sections 25(1-B)(a) and 35 of the  
Arms Act.



3. Prosecution case, in short, is that the appellant along with other co-accused persons having pistol in their hands entered into the house of informant, hurled caste based slurs, assaulted informant and his family members. It is further alleged that one pistol has been recovered from the possession of the appellant.

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 the appellant has got no concern with the alleged recovery of pistol. It is next submitted that the injury sustained to the informant and his family members are 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 18.03.2025 and has got 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 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 14.05.2025 passed by learned Exclusive Special Judge SC/ST Act, Civil Court (Sadar), Patna 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 Panchmala P.S. Case No. 28 of 2025.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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