

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2876 of 2025**

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

Prakash Gupta @ Prakash Kumar S/O Parsuram Sah @ Pasram Sah Resident
of Village- Nawada Khas, Police Station- Gopalganj (Town), Distt-Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramjhari Devi W/O Late Daroga Manjhi Resident of Village- Nawada Khas,
Police Station- Gopalganj (Town), Distt-Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shiv Sager Sharma, Advocate
For the State	:	Ms. Usha Kumari 1, SPP
For the Informant	:	Mr. Md. Sufiyan, Advocate Mr. Thakur Brajesh Singh, Advocate

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

ORAL ORDER

4 16-10-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State as also learned counsel for the

informant 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. Other co-accused has been granted bail by this Court vide order dated 11-09-2025, passed in Cr. Appeal (SJ) No. 2688 of 2025.

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)

Raj Kishore/-

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

