

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4334 of 2024

Arising Out of PS. Case No.-308 Year-2024 Thana- RAFIGANJ District- Aurangabad

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Pachuwa @ Mohammad Rahil, aged about 23 years, Gender-Male, Son of
Suhail Ahmad @ Suhail Miyan, Resident of Village - Quazichak, P.S. -
Rafiganj, District - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Bimlesh Paswan Son of Late Lalchand Paswan Resident of Village -
Sonbarsha, P.S. - Rafiganj, District - Aurangabad

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramendra Kumar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari I, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellant and

learned Spl. PP for the State.

2. The appellant has preferred the appeal under
Section 14(A)(2) of the SC/ST (POA) Act against the rejection
of prayer for pre-arrest bail vide order dated 13.08.2024 passed
by learned Exclusive Special Judge (SC/ST) cum 1st Addl.
Distt. & Sessions Judge, Aurangabad, in A.B.P. No. 1717 of
2024 arising out of Rafiganj P.S. Case No. 308 of 2024
registered under Sections 126(i), 115(2), 303(2), 352, 351(2),
3(5) of the B.N.S. and Sections 3(i)(r), 3(i)(s) and 3(2)(va) of
the SC/ST (POA) Act.

3. As per the allegation made in the F.I.R., the accused



persons named therein including the appellant are said to have assaulted the informant causing injury.

4. Learned counsel appearing on behalf of the appellant submitted that appellant is innocent and has falsely been implicated in the present case due to village politics. He further submitted that the appellant has no concern with the aforesaid occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Sections 3(i)(r), 3(i)(s) and 3(2)(va) of the SC/ST (POA) Act are not attracted against the appellant as the appellant has not taken caste name of the informant. On these grounds, appellant seeks to be released on pre-arrest bail.

5. Learned Spl. PP for the State has opposed the prayer for grant of bail to the appellant.

6. Having heard the rival submissions made on behalf of the parties, as well as, from bare perusal of the FIR, it appears that no caste name has been taken by the appellant and in absence of ingredients of Sections 3(i)(r), 3(i)(s) and 3(2)(va) of the SC/ST (POA) Act and the allegation alleged against the appellant being general and omnibus, I am of the opinion that appellant has *prima facie* made out a case to be released on pre-arrest bail.



7. The appellant, above named, is directed to be released on bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Rafiganj P.S. Case No. 308 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.

8. Accordingly, the impugned order is set aside and appeal is allowed.

(Purnendu Singh, J)

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