

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4237 of 2024

Arising Out of PS. Case No.-164 Year-2024 Thana- KHUSRUPUR District- Patna

Bablu Kumar Son of Ram Shankar Ray Resident of Village - Mathurapur
Ganj, P.S. - Lalganj, District - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Pintu Singh Son of Kapil Singh Resident of Village - Dudhni Tola,
Baikatpur, P.S. - Khusarupur, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shyameshwar Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

6 28-01-2025 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 26.07.2024 passed by learned Exclusive
Special Judge, SC/ST Act, Civil Court (Sadar), Patna, whereby
the prayer for bail of the appellant in connection with Khusrupur
P.S. Case No. 164 of 2024, under Sections 364, 302, 201, 411,
379, 120(B) of the Indian Penal Code and Sections 3(1)(r)/3(2)
(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, on 25.04.2024, a
truck bearing registration no. BR-01-GA5978 loaded with white
steel sheet left for Rohit Agency Bhagalpur from BMW M/S,



thereafter informant came to know that on 27.04.2024 the truck has not yet reached at destination and mobile number of said truck driver was also switched off.

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 is not named in the FIR. Name of the appellant has transpired in this case on the basis of bonafide purchaser of the stolen goods from the co-accused, namely, Vikash Kumar. Police has recovered 17 ton 60 Kg colorful and white steel sheet of Tata Company from the godown of the appellant. 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 01.07.2024 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 26.07.2024 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khusrupur P.S. Case No. 164 of 2024.

(Rudra Prakash Mishra, J)

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