

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4591 of 2024

Arising Out of PS. Case No.-866 Year-2023 Thana- MASAUDHI District- Patna

Ranjeet Kumar S/o- Satyendra Prasad Village- Mathiyapar Po-Deodha Ps-
Dhanarua Dist- Patna Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sweta Kumari W/o- Kamlesh Kumar Paswan Village- Kajichak Ps- Lahsuna
OP Thana- Masaudhi Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Swetang Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Rajen Sahay, Advocate

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

ORAL ORDER

3 10-04-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant/Respondent No. 2.

2. The instant appeal has been filed by the appellant against the order dated 06.08.2024 passed by learned Exclusive Special Judge, SC/ST, Patna whereby the prayer for bail of the appellant in connection with Masaurhi P.S. Case No. 866 of 2023, under Sections 341, 323, 354, 302/34 of the Indian Penal Code read with Section 27 of Arms Act and Sections 3(1)(s)(w) and 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, when daughter of the informant was going to attend her coaching classes, co-accused Niwash Kumar along four other co-accused persons



started uttering filthy words by calling her caste name and when she protested, co-accused Niwash Kumar shot dead her by opening fire with a pistol.

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. The name of the appellant has transpired in this case on the basis of confessional statement of co-accused, namely, Mukesh Kumar and the same has got no evidentiary value. No specific allegation of murder has been attributed against the appellant. Specific allegation of opening fire is against co-accused Niwash 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 14.12.2023 and has got one criminal antecedent in which he is on bail.

5. Learned Special P.P. for the State and learned counsel for 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 06.08.2024 passed by learned Exclusive Special Judge, SC/ST, 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 Masaurhi P.S. Case No. 866 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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