

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4875 of 2024

Arising Out of PS. Case No.-617 Year-2024 Thana- AURANGABAD TOWN District-
Aurangabad

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Md. Irfan S/O Md. Sayyad Alam R/O Village- Quraishi Mohalla P.S-
Aurnagabad Town, P.O and Distt.- Aurangabad, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rocky Kumar S/O Late Kameshwar Paswan R/O Village- Tikri More, P.S-
Aurnagabad Town, Distt.- Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

4 23-01-2025 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State. None appears for the informant.

2. The instant appeal has been filed by the appellant
against the order dated 24-09-2024 passed by Special Judge
SC/ST Act-cum-1st Additional District & Sessions Judge,
Aurangabad, whereby the prayer for bail of the appellant in
connection with Aurangabad Town PS Case No. 617 of 2024
under Sections 119(2), 191(2), 190, 126(2), 115(2), 118(1),
109(1), 303(2) of the Bharatiya Nyaya Sanhita, 2023 and
Sections 3(2)(v), 3(1)(c), 3(1)(d) of SC/ST Act was rejected.

3. Prosecution case, in short, is that brother of the
informant was assaulted by co-accused persons by sharp cutting



weapons in order to kill him. Thereafter, they have snatched a golden chain and cash of Rs. 1 Lakh from his pocket.

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. Appellant is not named in the FIR. The name of the appellant has transpired during course of investigation. There is no specific allegation against the appellant, rather the allegation is general and omnibus in nature. Learned counsel goes on to submit that injury is found to be 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 23-08-2024 and has 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, there being no specific allegation against the appellant 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 24-09-2024 passed by Special Judge SC/ST Act-cum-1st Additional District & Sessions Judge, Aurangabad 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 Aurangabad Town PS Case No. 617 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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