

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4882 of 2024

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

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Mohammad Akib Alam @ Akib Alam S/o Alimuddin @ Abimuddin @
Mohammad Alimuddin R/o vill - Alinagar, P.S. -Aurangabad Town, Distt. -
Aurangabad, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Rocky Kumar S/o Late Kameshwar Paswan R/o vill- Tirki road, P.S.
Aurangabad Town, Distt.- Aurangabad (Bihar)

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Ms. Leelawati Kumari, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, APP
For the Informant	:	None

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

ORAL ORDER

5 31-01-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State. None appears on behalf

of the informant despite valid service of notice.

2. The instant appeal has been filed by the appellant
against the order dated 24.09.2024 passed by Special Judge,
SC/ST-cum-1st Additional District and Sessions Judge,
Aurangabad whereby the prayer for bail of the appellant in
connection with Aurangabad Town P.S. Case No. 617 of 2024
under Sections 119(2), 191(2), 190, 126(2), 115(2), 118(1),
109(1), 303(1) of Bharatiya Nagarika Suraksha Sanhita, 2023
and Sections 3(1)(r), 3(1)(s), 3(2)(v) of the SC/ST Act was



rejected.

3. The prosecution case, in short, is that when the elder brother of the informant had went for collection of money, he was intercepted by the accused persons including the appellant who were armed with sharp *gadasa*, rod and sword and, thereafter looted a golden chain along with collected money amounting to rupees one lakh. It is further alleged that 10-15 unknown persons also assaulted the informant's brother.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that no specific allegation has been alleged against the appellant rather the allegation is general and omnibus in nature. Learned counsel further submitted that the injury sustained by the informant's brother is simple in nature. Learned counsel further submitted that there is case and counter-case between the appellant and the family members of the informant. 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. Charge-sheet has been submitted in this case. 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 two criminal antecedents.

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, nature of injury sustained by the injured person, case and counter-case between the parties 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-cum-1st Additional District and Sessions Judge, Aurangabad is hereby set aside.

7. Let the appellant, abovenamed, 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 P.S. Case No. 617 of 2024.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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