

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4155 of 2025

Arising Out of PS. Case No.-265 Year-2025 Thana- PAKARIBARAW District- Nawada

Bhothu Mandal S/O Late Kummar Mandal Resident of Village- Lodipur, P.S.
Warisaliganj, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi W/O Tulsi Chaudhary R/O Village- Lodipur, P.O- Kesauri, P.S-
Pakribarawan, Distt.- Nawada, Pin Code- 805132.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Man Mohan Kumar, Advocate
For the State	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Vishwa Ranjan Choudhary, Advocate

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

ORAL ORDER

3 27-11-2025 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State and learned counsel for the
informant.

2. The instant appeal has been filed by the appellant
against the order dated 25.08.2025 passed by learned Exclusive
Special Judge, SC/ST (PoA) Act, Nawada whereby the prayer
for bail of the appellant in connection with Pakribarawan PS
Case No. 265 of 2025 instituted under Sections 115(2), 109,
118(2), 126(2), 351(2), 352 & 3(5) of the Bharatiya Nyaya
Sanhita, 2023 and Sections 3(i)(r) & 3(i)(s) of SC/ST Act was
rejected.

3. The prosecution case, in short, is that on



02.07.2025, informant's minor son Golu Kumar was brutally assaulted with iron rods and lathis by Prahlad Kumar and several co-accused near their house, accompanied by caste-based abuses and threats. The injured boy sustained grievous head injuries and, after initial treatment at local hospitals, was referred to Patna where he is undergoing critical treatment.

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. From perusal of the FIR, it would reveal that there is no specific allegation against the appellant, rather the same is general and omnibus in nature. Specific allegation of assault is against Prahlad 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 07.07.2025 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 petitioner.



6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 25.08.2025 passed by learned Exclusive Special Judge, SC/ST (PoA) Act, Nawada is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pakribarawan PS Case No. 265 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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