

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5006 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- KATORIYA District- Banka

Vikash Kumar @ Vikash Kumar Yadav @ Bikash Kumar @ Bikash Yadav
S/o- Basant Yadav Resident Of Village-Telangwa, Ps- Katoriya, Dist- Banka

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Ranjan Kumar S/o- Karu Das Village- Hathghaswa Po-Devasi Ps- Katoriya Dist- Banka

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Praveen Kumar, Advocate
For the State	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Rohit Raj, Advocate

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 as also learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 23-09-2024 passed by Additional Sessions Judge-I-cum-Special Judge SC/ST (PoA) Act, Banka, whereby the prayer for bail of the appellant in connection with Katoriya PS Case No. 178 of 2024 under Section 309(4) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act was rejected.

3. Prosecution case, in short, is that informant was accosted by the four unknown miscreants, who have snatched



his mobile and Rs. 10,000/- on the point of 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. Appellant is not named in the FIR. The name of the appellant has transpired during course of investigation followed by his self-confessional statement before the police, which has no evidentiary value in the eye of law. It is submitted that no Test Identification Parade has been held. Appellant has become victim of the circumstances. No incriminating article has been recovered from the appellant's possession. 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 16-08-2024 and has two criminal antecedents.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant. Referring to paragraph No.32 of the case diary, it is submitted that stolen mobile phone has been recovered from the appellant's possession.



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 23-09-2024 passed by Additional Sessions Judge-I-cum-Special Judge SC/ST (PoA) Act, Banka 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 Katoriya PS Case No. 178 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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