

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5024 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- NAUGACHIA District- Bhagalpur

Vishwamani Das @ Vishmani Das @ Harendra Kumar Vishwamani Son of
Ravindra Kumar Das Resident of Village - Teri, P.S. - Naugachia, District -
Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Amit Kumar Das Son of Late Saheb Das Resident of Village - Athania, P.S. -
Kharik, P.O. - Mirzafari, District - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari I, SPP
For the Informant	:	None

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

ORAL ORDER

6 08-07-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and perused the case
diary. Despite valid service of notice, none appears on behalf of
the informant.

2. The instant appeal has been filed by the appellant
against the order dated 05.10.2024 passed by learned Additional
District and Sessions Judge-III-cum-Special Judge (SC/ST Act),
Bhagalpur whereby the prayer for bail of the appellant in
connection with Naugachia P.S. Case No. 317 of 2023 under
Sections 302, 34 of the Indian Penal Code, read with Section
3(2)(V) of SC/ST Act was rejected.



3. Prosecution case, in short, is that, co-accused Vijay Yadav in conspiracy with other persons has brutally assaulted informant's brother, namely, Kamal Kishore Das by means of iron rod, stone, lathi-danda and killed him and, with an intention to hide the dead body, throw the same in the bushes near Madhya Vidyalaya Village Tetri.

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. Name of the appellant has transpired on the basis of confessional statement of co-accused person and the same has got no evidentiary value. It is next submitted that the allegation levelled against the appellant is general and omnibus 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 05.09.2024 and has got five criminal antecedents in which he is on bail. Similar co-accused has been granted bail by this Court vide order dated 10.01.2025



passed in Cr. Appeal (S.J.) No. 3547 of 2024.

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 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 05.10.2024 passed by learned Additional District and Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur 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 Naugachia P.S. Case No. 317 of 2023.

(Rudra Prakash Mishra, J)

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