

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5257 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- Pothia District- Katihar

Alkattar Rishi @ Prayag Muuni S/O Bhushan Muni R/O Chandpur Naraihiya,
P.S- Pothia, Distt.- Katihar.

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Sadanand Paswan S/O Late Jagdish Paswan R/O Baraihiya, P.S- Pothia,
Distt.- Katihar.

... .. Respondent/s

Appearance :
For the Appellant/s : Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP
For the Informant : None

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

ORAL ORDER

6 02-07-2025 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 30.09.2024 passed by learned Additional

Sessions Judge-1-cum-Special Judge SC/ST Act, Katihar

whereby the prayer for bail of the appellant in connection with

Pothia P.S. Case No. 30 of 2024, under Sections 302/34 of the

Indian Penal Code and later on added Sections 3(i)(r)(s)/3(2)(V)

of SC/ST Act was rejected.



3. Prosecution case, in short, is that, father of the informant used to reside in the '*Kamath*' of the co-accused, Rabindra Mandal and the allegation is that due to altercation, the appellant along with the co-accused person killed father of the informant and threw the dead body near Bariyari Dam.

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 save and except the apprehension of the informant's son that since he was residing the '*Kamath*' of the co-accused, Rabindra Mandal, was murdered has got no support during course of investigation. It is next submitted that only on the basis of hearsay, the appellant has been taken into custody. 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 18.05.2024 and has got no criminal antecedent.

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 30.09.2024 passed by learned Additional Sessions Judge-1-cum-Special Judge SC/ST Act, Katihar 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 Pothia P.S. Case No. 30 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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