

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5171 of 2024

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

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Himanshu Kumar @ Himanshu Anand Son of Kameshwar Prasad Yadav @
Kameshwar Yadav Resident of Village- Bhairapur (Kolhua) P.S.- Katoriya,
District- Banka.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjan Kumar Son of Mr. Karu Das Resident of Village- Hathsgaswa, P.S.-
Katoriya, Distt.- Banka

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mrs. Vaishnavi Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	None

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

ORAL ORDER

3 18-01-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and perused the case

diary. None appears on behalf of the Respondent No. 2 despite

valid service of notice.

2. The instant appeal has been filed by the appellant
against the order dated 23.09.2024 passed by learned Additional
Sessions Judge 1st cum Special Judge SC/ST, Bank whereby the
prayer for bail of the appellant in connection with Katoriya P.S.
Case No. 178 of 2024 under Sections 309(4) of the BNS and
Sections 3(i)(r)(s) and 3(2)(va) of SC/ST Act was rejected.

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



miscreants robbed the informant and two other persons at knifepoint and took away their mobile phones and cash amounting to Rs. 10,000/-. It is further alleged that on the next day, the accused persons visited the informant's home, abused him by caste name and also threatened to kill him.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Appellant is not named in the F.I.R. The name of the appellant has transpired on the basis of confessional statement of co-accused Vikash Kumar. Learned counsel further submitted that from co-accused Vikash Kumar, looted mobile phones have been recovered and this appellant has no concern with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the appellant. 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 21.08.2024 and has one criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the



appellant.

6. Considering the aforesaid facts and circumstances of the case, there being no direct allegation against the appellant and the period of custody undergone by him, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 23.09.2024 passed by learned Additional Sessions Judge 1st cum Special Judge SC/ST, Bank in connection with Katoriya P.S. Case No. 178 of 2024 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 Katoriya P.S. Case No. 178 of 2024.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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