

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5393 of 2024

Arising Out of PS. Case No.-915 Year-2024 Thana- ALAMGANJ District- Patna

Guddu Kumar S/o Umesh Pandit @ Umesh Kumar Pandit R/o Belwarganj,
Near Fire Station, PS- Alamganj, Distt- Patna

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Sunny Kumar S/o Mahesh Ravidas R/o Belwarganj, P.s. - Alamganj, Distt.- Patna, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pintu Kumar Patel, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 27-03-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State, learned counsel for the informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 29.10.2024 passed by learned Exclusive special Judge SC/ST, Patna, whereby the prayer for bail of the appellant in connection with Alamganj P.S. Case No. 915 of 2024 under Sections 118(2), 109, 103, 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 3(2)(v) of SC/ST (POA) Act was rejected.

3. Prosecution case, in short, is that, the appellant along with other co-accused persons unanimously assaulted



brother of the informant and his friends by means of chopper due to which the deceased received head and neck injuries.

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 no specific allegation of assault is attributed against the appellant, rather the same is general and omnibus in nature. Specific allegation of assault is levelled against co-accused, namely, Piyush Kumar. It is next submitted that only allegation levelled against the appellant is that he was the order giver of the said occurrence. 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 15.10.2024 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 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 29.10.2024 passed by learned Exclusive special Judge SC/ST, Patna 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 Alamganj P.S. Case No. 915 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)

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