

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5533 of 2024

Arising Out of PS. Case No.-174 Year-2024 Thana- GORAUL District- Vaishali

Kanhai Kumar @ Knhai Kumar Son of Ram Pravesh Singh Resident of
Village - Mathurapur, P.S. - Goraul, District - Vaishali

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Sonu Kumar, Sub-Inspector, Kathara Police Station, District - Vaishali Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrityunjay Kumar , Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-07-2025 Heard learned counsel for the appellant, the State .

Despite valid service of notice , nobody appears on behalf of
respondent No. 2.

2. This appeal has been filed for setting aside order
dated 08.10.2024 passed in a case registered for the offence
punishable under sections 147, 148 , 149, 341 , 342, 323 , 324,
326, 332, 333 , 353 , 354, 224, 225 , 307, 504 and 506 of the
IPC and sections 3 (1) (r) (s), 3 (2) (va) , 3 (2) (v) of the
Scheduled Castes and Scheduled Tribes Act, whereby prayer for



regular bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely Sonu Kumar (A S I) alleged that on 08.05.2024 at 1:10 PM, while arresting Kanhai Kumar in Kathara P S Case No. 398 of 2023 , a mob of 100 persons incited by this appellant, attacked police party . It is further alleged that co-accused Ram Pravesh singh bit off part of the ear of informant and mob got freed this appellant.

4. It is submitted that the appellant is innocent and has committed no offence as alleged. Allegation is general and omnibus. No specific overt act is alleged against this appellant. It is not the case of the informant that any member of the public was present at the place of the incident; as such, no offense under the SC/ST Act is made out against the appellant, and he has been in custody since 26.09.2024 .

5 . Learned special Public Prosecutor for the State opposed the bail appeal.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside .

7. Let the appellant, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the



learned Court of Exclusive special Judge SC / ST Vaishali at
Hajipur in connection with Goraul Police Station Case No.
174 of 2024 .

(Prabhat Kumar Singh, J)

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