

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5482 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- BARURAJ District- Muzaffarpur

Rishu Raj @ Rishu Kumar @ Rishuraj Kumar Son of Ravindra Tiwary @
Ravindra Tiwari Resident of village - Gopinathpur, P.O Sirsia Jagdishpur, P.S-
Baruraj, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar.
2. Chanda Devi W/O Mukesh Das Resident of village - Kashi Chapra Narwara
P.S- Baruraj, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. P.N. Shahi, Sr. Adv. Mr. Amit Anand, Adv. Mr. Ankur Govind, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, SPP

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

ORAL ORDER

4 06-03-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State. In spite of valid service

of notice, no one appears on behalf of the Respondent No.2.

Perused the case diary.

2. The instant appeal has been filed by the appellant

against the order dated 19.11.2024 passed by learned Special

Judge, SC/ST (Prevention of Atrocities) Act, Muzaffarpur

whereby the prayer for bail of the appellant in connection with

Baruraj P.S. Case No. 119 of 2024 under Sections 109, 308(4),

352, 351(3), 3(5) of the Bhartiya Nyaya Sanhita (BNS), Section

27 of the Arms Act and Sections 3(1)(r), 3(1)(s) of the SC/ST



Act, was rejected.

3. As per prosecution case, the accusation against the accused persons including the appellant is of demanding extortion, abusing as also firing at the Informant's husband.

4. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The appellant has not committed any offence as alleged in the F.I.R. Learned counsel for the appellant submits that the the date of alleged occurrence is 07.07.2024 at 9.30 PM whereas the F.I.R. was lodged on 08.07.2024 without there being any plausible explanation for such delay which creates doubt in the prosecution case. There is no direct or specific allegation of any overt act against the appellant rather the same is general and omnibus in nature. He further submits that the prosecution case is based on allegations that lack substantive evidence linking the appellant with the alleged commission of offence. In the alleged occurrence, no one has sustained any fire-arm injury. The appellant has one criminal antecedent in which he is on bail and is languishing in judicial custody since 11.11.2024 without any rhymes or reason. Charge-sheet has been submitted in this case against the appellant.



5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant, stating that the offence alleged against the appellant is serious in nature.

6. Having heard learned counsel for the parties and taking to into account the period of custody undergone by the appellant as also there being no specific allegation against the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 19.11.2024 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, Muzaffarpur 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 Baruraj P.S. Case No. 119 of 2024.

(Rudra Prakash Mishra, J)

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