

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5577 of 2024

Arising Out of PS. Case No.-343 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

Nitish Kumar S/o Jay Prakash @ Jay Prakash Das R/o Village- Hasanpur
Surat, P.S.- Patory, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sikdev Paswan S/o Late Saryug Paswan R/o Village- Chaksalem, Ward No. 9, P.S.- Patory, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhay Shanker Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	None

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

ORAL ORDER

4 24-03-2025 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 being apprised regarding the present memo of appeal.

2. The instant appeal has been filed by the appellant against the order dated 25.10.2024 passed by learned Special Judge SC/ST (POA) Act, Samastipur whereby the prayer for bail of the appellant in connection with Patory P.S. Case No. 343 of 2024 under Sections 274, 275, 123, 103(1) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3(1)(r)(s) and 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, co-accused Badal



Kumar took the informant's son namely Monu Kumar to his house where the appellant and other co-accused persons were already present and they forced him to consume poisonous liquid, assaulted him and used caste slurs. As the condition of Monu got worsened, he was taken to hospital for treatment but unfortunately, he died the next day.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel for the appellant also submits that no specific allegation of abuse or assault is levelled against him, rather the same is general and omnibus in nature. Specific allegation is levelled against co-accused, namely, Badal Kumar. 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 19.09.2024 and has got no criminal antecedent. The co-accused persons have already been granted bail by this Court vide order dated 18.03.2025 passed in Cr. Appeal (SJ) No. 5465 of 2024.

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, claim based on parity as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 25.10.2024 passed by learned Special Judge SC/ST (POA) Act, Samastipur in connection with Patory P.S. Case No. 343 of 2024 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 Patory P.S. Case No. 343 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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