

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5583 of 2024

Arising Out of PS. Case No.-749 Year-2024 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Santosh Sah Son of Yogendra Sah Resident of Village -Dumari pakri, ward no
14, PS -sadar, District -Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Chaukidar 4/12, Rajpaltan paswan, Sadar PS, Muzaffarpur bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Raju Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

5 24-03-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 20.11.2024 passed by learned Special Jugde, SC/ST (PoA), Muzaffarpur whereby the prayer for bail of the appellant in connection with GR Case No. 965 of 2024 arising out of Sadar P.S. Case No. 749 of 2024 under Sections 191(2), 190, 126(2), 115(2), 109, 132, 352 of the BNS, Sections 3(i)(r), 3(1)(s) of SC/ST Act and Section 37 of the Bihar Prohibition and Excise Act was rejected.

3. The prosecution case, in short, is that, appellant along with his associates assaulted the informant during a police raid on illegal liquor traders, blaming him for business losses.



When the police arrived, the accused fled, but the petitioner was arrested and a breath analyzer test confirmed that he had consumed liquor.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel further submitted that appellant has not caused any overt act to the informant nor used any abusive language. Learned counsel further submitted that, as a matter of fact, the informant demanded illegal money and when the appellant refused to give the same, the informant falsely implicated the appellant. Learned counsel further submitted that as per injury report, the injuries sustained by the injured persons are simple in nature. 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 04.11.2024 and has two criminal antecedents.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant, stating that the appellant is accused of assaulting a public servant on duty,



obstructing law enforcement and is also engaged in illegal liquor trade, and therefore, he may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, nature of injury 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 20.11.2024 passed by learned Special Judge, SC/ST (PoA), Muzaffarpur in connection with GR Case No. 965 of 2024 arising out of Sadar P.S. Case No. 749 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, be released, *after framing of charge, if not already framed*, 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 GR Case No. 965 of 2024 arising out of Sadar P.S. Case No. 749 of 2024.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

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