

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5517 of 2024

Arising Out of PS. Case No.-335 Year-2024 Thana- BYPASS District- Patna

Rinku Mahto @ Rinku Kumar @ Sunil Kumar S/o Yogendra Mahto R/o Bahari Begampur, Pipaltal, Koieri Tola, PS- Bypass, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Pinku Paswan S/o Late Yogendra Paswan R/o Bahari Begampur, Mandai Par, V.I.P Colony, P.s. - Bypass, Distt.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar Sharma, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1 SPP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 21-03-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. None appears on behalf of the informant despite being informed by the learned SPP regarding filing of the present appeal. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 28.10.2024 passed by learned Exclusive Special Judge, SC/ST, Patna whereby the prayer for bail of the appellant in connection with Special Case No. 359 of 2024, Serial No. 300 of 2024, arising out of Bypass P.S. Case No. 335 of 2024 under Sections 103(1), 238, 3(5) of the BNS and Sections 3(2)(v) of SC/ST Act was rejected.

3. The prosecution case, in short, is that on



24.07.2024, the informant's son left his house but did not return. It is further alleged that on 27.07.2024, the dead body of the informant's son was found near *nala*. Informant suspects that all the FIR named accused persons including the appellant have murdered his son.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. The name of the appellant has transpired only on the basis of suspicion. Learned counsel further submitted that there is a delay of three days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. There is no eye-witness to the alleged 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. Learned counsel, therefore, contended that except suspicion, there is not material on record to show the involvement of the appellant in the alleged occurrence. Charge-sheet has been submitted in this case. The appellant is in custody since 28.09.2024 and has no criminal antecedent.



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, no direct material against the appellant to show his involvement in the alleged offence 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 28.10.2024 passed by learned Exclusive Special Judge, SC/ST, Patna in connection with Special Case No. 359 of 2024, Serial No. 300 of 2024, arising out of Bypass P.S. Case No. 335 of 2024 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 Bypass P.S. Case No. 335 of 2024.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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