

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5648 of 2024

Arising Out of PS. Case No.-152 Year-2023 Thana- HAYAGHAT District- Darbhanga

MAHENDRA RAI @ Mahindra Rai S/O- LATE BINDESHWAR RAI
Resident of Village- Gorhari Police Station- Hayaghat District-Darbhangha

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Guddu Kumar S/o- Mahendra Paswan Resident of Village- Bhawanipur
Police Station- Hayaghat District-Darbhangha

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Nilendu Kumar Choudhary
For the Respondent/s	:	Mr.Usha Kumari 1
For the Respondent No. 2:	:	Mr. Saurab Anand

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

- 3 26-06-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail *vide* order dated
23.11.2024 passed by the learned Exclusive Special Judge,
SC/ST Act, Darbhanga in connection with Hayaghat P.S. Case
No. 152/2023 dated 03.10.2023 registered for the offence/s
punishable u/s 302 read with Section 34 of the Indian Penal
Code and Sections 3(2)(v) of the SC/ST Act.



3. As per the prosecution case, the appellant and the co-accused person started abusing the informant and his father by calling their caste name. Thereafter, the appellant and the co-accused started assaulting the informant and his father, in the meantime, the co-accused, Manoj Kumar Rai with an intent to kill assaulted with *khanti* on the head of the informant's father, causing injury. Thereafter, the injured was taken to hospital where he died in the course of treatment.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. The specific allegation of assault is against the co-accused, Manoj Kumar Rai. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 11.11.2024.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail. The regular bail of the co-accused person has been rejected by this court vide order dated 19.06.2025 passed in Cr.



Appeal (SJ) No. 3650 of 2024.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 23.11.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Darbhanga in connection with Hayaghat P.S. Case No. 152/2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Darbhanga in connection with Hayaghat P.S. Case No. 152/2023.

(Chandra Prakash Singh, J)

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