

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5641 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

Rahul Kumar @ Rahul Yadav Son of Upendra Kumar @ Lalu Yadav R/O
Village- Pathri, P.S.- Atri, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Son of Saryu Choudhary Resident of Vill- Dharmuchak, P.S.-
Nimchak Bathani, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Syed Asgher Najmi, Advocate
	:	Mr. Ashutosh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	None

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

ORAL ORDER

4 10-07-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State. None appears on behalf

of the informant despite notice being validly served. Perused the

case diary.

2. The instant appeal has been filed by the appellant
against the order dated 12.11.2024 passed by learned Exclusive
Special Judge, SC/ST, Gaya whereby the prayer for bail of the
appellant in connection with NimchakBathani P.S. Case No. 44
of 2024 under Sections 341, 323, 307, 379, 504, 506, 34 of the
IPC and Sections 3(i)(r)(s) of SC/ST Act was rejected.

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



persons including the appellant, armed with weapons intercepted and assaulted the informant and his friends, snatched cash, gold locket, silver chain and vehicle key.

4. Learned counsel for the appellant submitted that the appellant is innocent and has falsely been implicated in the present case. He further submitted that appellant had no intention to commit the murder of the deceased and Section 307 of the IPC is super addition to make the case grievous. There is no specific allegation of firing. The injuries sustained by the injured are simple in nature. He further contended that there is no allegation of firing and nor any firearm injury has been found on the body of the injured. Learned counsel for the appellant further submitted 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 28.09.2024 and has two criminal antecedents.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, the nature of allegation 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 12.11.2024 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with NimchakBathani P.S. Case No. 44 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 NimchakBathani P.S. Case No. 44 of 2024.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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