

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5667 of 2024

Arising Out of PS. Case No.-161 Year-2024 Thana- SALIMPUR District- Patna

Nitish Kumar Son of Satendra Ray Resident Of Village- Saidpur, Ps
-Salimpur, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rani Devi wife of vinod Rajak village- Narauli, Ps- Salimpur, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Praveen Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Resp. No.2	:	Mr. Sanju Singh, Adv.
		Mr. Ajay Kumar, Adv.

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

ORAL ORDER

4 08-05-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 25.11.2024 passed by learned Exclusive
Special Judge, SC/ST Act, Civil Court (Sadar), Patna whereby
the prayer for bail of the appellant in connection with Special
Case No. 247 of 2024 arising out of Salimpur P.S. Case No. 161
of 2024 under Sections 341, 323, 324, 307, 302, 504, 506/34 of
the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of
SC/ST (POA) Act, was rejected.

3. As per prosecution case, the accusation against the



accused persons including the petitioner is of brutally assaulting the Informant's husband and two other villagers due to which the Informant's husband namely Vinod Rajak died on the spot and others were seriously injured.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case due to local village politics. Charge-sheet has been submitted in this case. There is no direct or specific allegation of any overt act against the appellant rather the same is general and omnibus in nature. The specific allegation of assault by means of iron rod is upon the head of the Informant's husband is upon the co-accused Rakesh Kumar due to which he died. There is no allegation against the appellant of assaulting the injured persons namely Ajay Ravidas and Ajit Rajak.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that the offence alleged is serious in nature.

6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstances of the case, the period of custody undergone by the appellant as also the appellant having no criminal antecedent, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order



dated 25.11.2024 passed by learned Exclusive Special Judge,
SC/ST Act, Civil Court (Sadar), Patna 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 Special Case No.
247 of 2024 arising out of Salimpur P.S. Case No. 161 of 2024.

(Rudra Prakash Mishra, J)

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