

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.40 of 2025

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

Lallu Kumar @ Niranjan @ Chitranjan Kumar @ Chitranjan S/O Karu Rai
R/O Block Road, Saidpura, P.S.- Salimpur, Dist.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rani Devi W/O Binod Rajak R/O Gram Narauti, P.S.- Salimpur, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Kumar Rajdeep, Advocate Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

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

ORAL ORDER

5 15-05-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and perused the case

diary.

2. Learned counsel for the appellant is permitted to

make necessary correction in paragraph no. 4 of the bail

application in course of day.

3. The instant appeal has been filed by the appellant

against the order dated 16.11.2024 passed by Learned Exclusive

Special Judge SC/ST Act, Civil Court (Sadar), Patna whereby

the prayer for bail of the appellant in connection with Salimpur

P.S. Case No. 161 of 2024 under Sections 302, 307, 323, 324,



341, 504, 506/34 of the Indian Penal Code, read with Sections 3(i)(r)(s) and 3(2)(va) of SC/ST Act was rejected.

4. Prosecution case, in short, is that, the appellant along with other co-accused person brutally assaulted informant's husband and two other villagers due to which husband of the informant died on the spot and others were seriously injured.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. 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 co-accused, namely, Rakesh Kumar due to which he died. There is no allegation against the appellant of assaulting the injured persons. Cognizance of the alleged offence has been taken on 30.08.2024. 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 27.05.2024 and has got no criminal antecedent. Similar co-accused has been granted bail by this Court vide order dated 08.05.2025 passed in Cr. Appeal (S.J.) No. 5667 of 2024.

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

7. Considering the aforesaid facts and circumstances of the case 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 16.11.2024 passed by Learned Exclusive Special Judge SC/ST Act, Civil Court (Sadar), Patna is hereby set aside.

8. Let the appellant 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 Salimpur P.S. Case No. 161 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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