

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.113 of 2025

Arising Out of PS. Case No.-300 Year-2024 Thana- HARNAUT District- Nalanda

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Luttu Singh @ Ramesh Singh Son of Late Rajmani Singh Resident of
Village- Kharuara, P.S.- Harnaut (Chero O.P.), District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhruv Manjhi Son of Late Parmeshwar Manjhi Resident of Village-
Kharuara, P.S.- Harnaut (Chero O.P.), District- Nalanda

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Ranjan, Adv.
For the Respondent/s : Ms. Usha Kumari 1, SPP

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

ORAL ORDER

3 19-06-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State. In spite of valid service
of notice upon the respondent no.2, no one has appeared on his
behalf. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 28.11.2024 passed by learned Additional
Sessions Judge IV -cum- Exclusive Special Judge, SC/ST Act,
Nalanda, Bihar Sharif whereby the prayer for bail of the
appellant in connection with Special Case No. 173 of 2024
arising out of Harnaut (Chero) P.S. Case No. 300 of 2024 under
Section 109 of the Bhartiya Nyaya Sanhita, Section 27 of the
Arms Act and Sections 3(2)(v) of SC/ST (POA) Act was



rejected.

3. As per prosecution case, the appellant is an accused of firing upon the Informant due to which he sustained fire-arm injury over his body.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case with an ulterior motive. Learned counsel for the appellant submits that the petitioner was not present at the place of occurrence rather was sleeping at his home. He further submits that the occurrence took place at 01.20 AM on 30.07.2024 and the informant gave his *fardbeyan* at 11.21 AM on 30.07.2024 but, the FIR was instituted at 19.30 PM on 30.07.2024 which creates doubt in the veracity of the prosecution case. There is no motive of the appellant to cause such an offence as alleged in the F.I.R. He submits that charge-sheet has been submitted in this case and out of five witnesses, two witnesses have been examined and, thus, the trial is going on. He further submits that in the entire F.I.R., there is nothing against the appellant which attracts the allegation of atrocities against the persons belonging to scheduled castes. He further submits that the injury report of the informant has been brought after more than five months which creates serious doubt over



the genuineness of the allegations made in the F.I.R. 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 19.10.2024 and has two criminal antecedents and, in both of them, he is on bail.

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

6. Having heard learned counsel for the parties and considering the entire 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 28.11.2024 passed by learned Additional Sessions Judge IV -cum- Exclusive Special Judge, SC/ST Act, Nalanda, Bihar Sharif, 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.



173 of 2024 arising out of Harnaut (Chero) P.S. Case No. 300 of 2024, subject to following conditions;

(i) One of the bailor(s) shall be the own/close family members of the appellant.

(ii) The appellant shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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