

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.88 of 2025

Arising Out of PS. Case No.-159 Year-2024 Thana- INDUSTRIAL AREA District- Vaishali

Ravi Kumar S/O Sri Motilal Mehata R/O Mohalla - Sandalpur, P.S-
Bahadurpur, Dist.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Munarik Paswan S/O Late Ramakawal Paswan R/O Vill.- Madhpur Sidhara,
P.S- Mahua, Dist- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhay Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

6 24-04-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and perused the case
diary.

2. The instant appeal has been filed by the appellant
against the order dated 10.12.2024 passed by learned Exclusive
Special Court (SC/ST)-cum-Additional and Sessions Judge,
Vaishali at Hajipur whereby the prayer for bail of the appellant
in connection with Hajipur Industrial P.S. Case No. 159 of 2024
under Sections 103, 3(5) of the Bharatiya Nyaya Sanhita, 2023
read with Sections 3(1)(r)(s) and 3(2)(v) of SC/ST Act was
rejected.



3. Prosecution case, in short, is that, the appellant along with other co-accused persons attacked on the son of the informant by means of knife when he (deceased) stepped out of his vehicle to check a traffic jam. It is further alleged that co-accused, namely, Kumar Gaurav gave knife blow to the deceased.

4. 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. Learned counsel for the appellant also submits that the appellant is only driver of the said vehicle in which they were stuck in the traffic jam. No specific allegation of assault has been attributed against the appellant. Specific allegation of assaulting by means of knife is against co-accused, Kumar Gaurav. 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 30.10.2024 and has no criminal antecedent.

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



6. 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 10.12.2024 passed by learned Exclusive Special Court (SC/ST)-cum-Additional and Sessions Judge, Vaishali at Hajipur is hereby set aside.

7. 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 Hajipur Industrial P.S. Case No. 159 of 2024.

(Rudra Prakash Mishra, J)

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