

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.17 of 2025

Arising Out of PS. Case No.-85 Year-2024 Thana- Maghopur District- Gopalganj

1.

Purushotam Singh @ Malik Singh S/O Late Lakh Deo Singh Village-Kalyanpur, P.S.- Madhopur, District- Gopalganj
2.

Sonu Singh @ Sonu Kumar Singh S/O Late Lakh Deo Singh Village-Kalyanpur, P.S.- Madhopur, District- Gopalganj

... .. Appellant/s

Versus

1.

The State of Bihar
2.

Sheo Kumari Devi W/O Bharat Ram Resident of village- Kalyanpur, P.S. Madhopur, Dist.- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Abhijeet Abhigyan, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 24-04-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State, learned counsel for the informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellants against the order dated 10.12.2024 passed by learned Additional sessions Judge-XI-cum-Exclusive Special Judge under SC/ST Act, Gopalganj whereby the prayer for bail of the appellants in connection with Madhopur P.S. Case No. 85 of 2024 under Sections 126(2), 115(2), 118(1), 76, 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 27 of the



Arms Act and Sections 3(1)(r)(s)/3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellants along with other co-accused persons attempted to illegally plough a public *Chhath Ghat* land, leading to a violent confrontation with local residents. During the clash, caste-based abuses were hurled, gunfire was opened and several were seriously injured. It is further alleged that appellant no. 1 assaulted Anil Ram by means of knife causing injury to him and appellant no. 2 along with other co-accused persons disrobed Kusum Devi.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Learned counsel for the appellants also submits that the allegation levelled against the appellants are general and omnibus in nature. The scuffle took place between the parties due to some land dispute. It is further submitted that the injury received by injured Anil Ram is simple in nature. Learned counsel for the appellants further submits that the appellants have 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 them. The appellants have no intention to disgrace



the image of the informant in public view. The appellants are in custody since 15.11.2024 and have no criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 10.12.2024 passed by learned Additional sessions Judge-XI-cum-Exclusive Special Judge under SC/ST Act, Gopalganj is hereby set aside.

7. Let the appellants be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhopur P.S. Case No. 85 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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