

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1894 of 2025

Arising Out of PS. Case No.-492 Year-2024 Thana- TEKARI District- Gaya

Rahul Kumar S/O Rangi Paswan R/O Village- Kharagpur, P.S- Tekari, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Kumar S/O Late Haricharan Paswan @ Harichanran Paswan R/O Village- Jagdishpur, P.S- Manikpur, Distt.- Arwal.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prithivi Raj Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 15-01-2026 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 18.01.2025 passed by learned Exclusive Special Judge S.C. & S.T., Gaya whereby the prayer for bail of the appellant in connection with Tekari P.S. Case No. 492 of 2024 under Sections 127(1), 127(2), 103(1), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 3(2)(va), 3(2)(v), 3(1)(s), 3(1)(r) of SC/ST Act and Section 27 of the Arms Act was rejected.

3. Prosecution case, in short, is that the appellant



along with other co-accused persons made harsh firing due to which son of the informant was killed.

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 no specific allegation has been made against the appellant rather the same is general and omnibus in nature. Specific allegation of firing is made upon co-accused, namely, Amod Kumar. 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 28.11.2024 and has got no criminal antecedent. Similar co-accused have been granted bail by this Court vide order dated 03.07.2025 passed in Cr. Appeal (S.J.) No. 1617 of 2025.

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 18.01.2025 passed by learned Exclusive Special Judge S.C. & S.T., Gaya is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Tekari P.S. Case No. 492 of 2024.

(Rudra Prakash Mishra, J)

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