IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3090 of 2026

CNR No. BRHC010788152026

Arising Out of PS. Case No.-84 Year-2026 Thana- KHARIK District- Bhagalpur

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Laddu Sharma S/o Late Damodar Sharma R/o Village - Abhiya, P.S. - Gopalpur, Dist. - Bhagalpur.

... ... Appellant/s

Versus

1. The State of Bihar
2. Rajesh Kumar Das S/o Sugendra Das R/o Village - Choti Nawada, P.S. - Kharik, Dist. - Bhagalpur.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 29-10-2026 Heard learned counsel for the appellant, learned Special Public Prosecutor and perused the case diary. Despite valid service of notice, none has appeared on behalf of the Respondent No. 2.

2. The instant appeal has been filed by the appellant against the order dated 08.07.2026 passed by learned Special Judge, Exclusive Special Court, SC/ST Act, Naugachia Camp Court, Bhagalpur whereby the prayer for bail of the appellant in connection with Kharik P.S. Case No. 84 of 2026 under Sections 103(1), 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of SC/ST Act was rejected.

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3. Prosecution case, in short, is that on 30.03.2026, the informant's son, Sittu Kumar, went out in his TOTO but did not return home. It is further alleged that his TOTO was found near Kalbiliya Dhar and his body was subsequently recovered near Dadpur Road, bearing signs of assault, with suspicion that unknown persons had beaten him to death and dumped his body in a roadside ditch.

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. It is also submitted that the appellant is not named in the FIR. Name of the appellant has transpired in this case on the basis of confessional statement of co-accused and the same has got no evidentiary value. It is next submitted that the allegation levelled against the appellant is of purchasing the battery of toto and he has got no knowledge that the same was stolen one. The appellant has not committed any such offence as alleged against him. 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

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custody since 30.03.2026 and has got two criminal antecedents.

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 08.07.2026 passed by learned Special Judge, Exclusive Special Court, SC/ST Act, Naugachia Camp Court, Bhagalpur 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 Kharik P.S. Case No. 84 of 2026.

(Rudra Prakash Mishra, J)

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