

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3784 of 2025**

Arising Out of PS. Case No.-50 Year-2023 Thana- NOORSARAI District- Nalanda

Rishu Kumar @ Rajeev Ranjan Raj Son of Upendra Prasad @ Upendra Yadav  
Resident of village - Prahalad Nagar, P.S.- Noorsarai, District - Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Kumar Son of Ishwar Tanti Resident of village - Jalalpur, P.S.-  
Noorsarai, District - Nalanda 803113

... .. Respondent/s

**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Appellant/s  | : | Mr. Pramod Kumar Sinha, Advocate |
| For the Respondent/s | : | Mr. Binay Krishna, SPP           |
| For the Informant    | : | Mr. Majid Mahboob Khan, Advocate |

**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 learned counsel for the  
  
informant.

2.      The instant appeal has been filed by the appellant  
  
against the order dated 03.07.2025 passed by learned Additional  
  
Sessions Judge-VI-cum-Special Judge, SC/ST, Nalanda at Bihar  
  
Sharif whereby the prayer for bail of the appellant in connection  
  
with Noorsarai PS Case No. 50 of 2023 instituted under  
  
Sections 147, 148, 149, 341, 323, 302 & 504 of the Indian Penal  
  
Code (for short 'IPC') and Sections 3(i)(r)(s) & 3(2)(v) of  
  
SC/ST Act was rejected.

3.      Prosecution case, in short, is that on 08.02.2023,



the informant's son Niranjan Kumar was taken to Prahlad Nagar by his friends Suraj Kumar and Dinesh Kumar, where he was brutally assaulted by named accused along with 8–10 unknown persons. He was taken for treatment but later succumbed to his injuries at Sadar Hospital, Biharsharif.

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 submitted that specific allegation is against other co-accused person. Informant is not the eye witness of the occurrence. 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 03.07.2025 and has two criminal antecedents. Similar co-accused have been granted bail by a Coordinate Bench of this Court vide order dated 12.10.2023 passed in Cr. Appeal (S.J.) No. 2470 of 2023 and Cr. Appeal (S.J.) No. 3646 of 2023.

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



petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation against the appellant 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 03.07.2025 passed by learned Additional Sessions Judge-VI-cum-Special Judge, SC/ST, Nalanda at Bihar Sharif is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Noorsarai PS Case No. 50 of 2023.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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