

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4306 of 2025**

Arising Out of PS. Case No.-192 Year-2025 Thana- KORHA District- Katihar

Sumanta @ Suman Kumar @ Suman Mandal @ Sumanth Son of Bonu Mandal @ Baldev Mandal Resident of village- Marwa, Ps- Korha, Dist- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Vina Devi Wife of Munna Rishi Resident of village- Marwa, Ps- Korha, dist- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimal Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Sanjeev Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 22-01-2026 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 15.09.2025 passed by learned District and Additional Sessions Judge-I, Katihar whereby the prayer for bail of the appellant in connection with Korha PS Case No. 192 of 2025 instituted under Sections 126(2), 115(2), 109(1), 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s) & 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on 09.08.2025 the



informant's husband, Munna Rishi, was assaulted by co-villagers who later returned armed with weapons, and Ganga Ram Mandal allegedly fired at him causing a gunshot injury on his left thigh. It is alleged that the accused persons, along with others, attacked with intent to kill and fled after the firing.

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 from perusal of the FIR, it would manifest that there is no specific allegation of firing attributed to the appellant, rather the same is attributed to co-accused, Ganga Ram Mandal. It is next submitted that even if the allegation is taken on its face value, appellant was, at best, a member of the mob. 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 10.08.2025 and has two criminal antecedents.

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



6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation of firing against the appellant and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 15.09.2025 passed by learned District and Additional Sessions Judge-I, Katihar 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 Korha PS Case No. 192 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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