

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4483 of 2025

Arising Out of PS. Case No.-165 Year-2025 Thana- MALI District- Aurangabad

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1. Sushil Kumar S/O Rajendra Yadav R/O Village- Moti Bigha, P.S.- Mali, District- Aurangabad
 2. Manoj Kumar Yadav @ Manoj Yadav S/O Late Jagroop Yadav R/O Village- Moti Bigha, P.S.- Mali, District- Aurangabad
 3. Mahendra Yadav S/O Nathun Yadav R/O Village- Moti Bigha, P.S.- Mali, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Shivpujan Ravidas S/O Dhaneshar Ravidas R/O Vill.- Sigri Dhamani, P.s.- Mali, Dist.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rakesh Singh, Advocate
For the informant	:	Mr. Pramendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.Binay Krishna, S.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 12-02-2026 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and 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 09.10.2025 passed by District and Addl. Sessions Judge-I-cum- Special Judge (SC/ST, Children, NDPS), Aurangabad, whereby the prayer for bail of the appellants in connection with Regular Bail Petition No. 1086 of 2025, arising



out of Mali P.S. Case No. 165 of 2025, under Sections 109, 126(2), 191(2), 191(3), 190, 115(2), 118(1), 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r)(s) and 3(2)(va) of the SC/ST Act was rejected.

3. Prosecution case, in short, is that appellants along with other other co-accused have assaulted the informant and his other family members by means of lathi-danda. They also abused them by taking their caste name.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. He further submitted that for the same occurrence appellant no.1 has lodged Mali P.S. Case No. 166 of 2025. He further submitted that the appellant No.1 and Appellant No.3 have also sustained injury in this case. The grandfather of appellant no.1 died on 08.08.2025 by drawing in river for which Sanha was given on 16.08.2025, but his dead body was reached after 22 days i.e. on 30.08.2025 so the entire family members of the appellant had gathered in village for last rights and only on account of fight among children while playing both sides entered into free fight injuring both sides. 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 01.09.2025 and have no criminal antecedent. He further submitted that appellants' side also sustained injuries in the alleged occurrence.

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 09.10.2025 passed by District and Addl. Sessions Judge-I-cum- Special Judge (SC/ST, Children, NDPS), Aurangabad, in connection with Regular Bail Petition No. 1086 of 2025, arising out of Mali P.S. Case No. 165 of 2025, is hereby set aside.

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



165 of 2025, subject to the following conditions:

(I) One of the bailors shall be the Appellants’ own or close member.

(II) The Appellants shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The Appellants shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the Appellants.

(Rudra Prakash Mishra, J)

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