

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4599 of 2025

Arising Out of PS. Case No.-195 Year-2023 Thana- CHIRAIYA District- East Champaran

Mukesh Rai @ Mukesh Kumar Rai @ Mukesh Prasad Yadav Son of Late
Sukhadai Rai R/o Village - Sapgadha, P.S. - Chiraiya, Dist. - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Paswan, Ex - Mukhiya Son of Bagar Paswan R/o Village -
Bahuarawa, P.S. - Chiraiya, Dist. - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, S.P.P
		Mr. Ajay Kumar Singh, Advocate
		Mr. Mayank Prasanna Dubey, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 22-01-2026 Heard learned counsel for the appellant, 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 appellant
against the order dated 09.10.2025 passed by Special Court
SC/ST Act, East Champaran, Motihari, whereby the prayer for
bail of the appellant in connection with Chiraiya P.S. Case No.
195 of 2023, under Sections 147, 148, 149, 341, 323, 504 and
506 of the Indian Penal Code, Section 27 of the Arms Act and
Section 3(1)(r)(s) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on 26.04.2023 at



9.00 A.M. accused persons named in the F.I.R. including the appellant, lashed with weapon, came and started making hut near the shop of the informant. On protest, accused persons started abusing by taking his caste name. It is alleged that one co-accused Guddu Rai pointed pistol on the informant, in the meantime, villagers started coming and on seeing this the appellant and co-accused Guddu Rai made three round firing and fled away.

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 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. There is no specific allegation against the appellant, rather the same is general and omnibus in nature. No one is injured in the alleged occurrence. The appellant is in custody since 11.09.2025 and has one criminal antecedent.

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 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 09.10.2025 passed by Special Court SC/ST Act, East Champaran, Motihari, in connection with Chiraiya P.S. Case No. 195 of 2023, 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 Chiraiya P.S. Case No. 195 of 2023.

(Rudra Prakash Mishra, J)

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