

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4805 of 2025**

Arising Out of PS. Case No.-574 Year-2025 Thana- GARKHA District- Saran

Shrawan Sah @ Shrawan Kumar @ Sharwan Sah S/o- Laxman Sah Resident
of village- Garkha PS- Garkha District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Tetari Devi W/o- Sudarshan Manjhi Resident of village- Garkha PS- Garkha District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dhananjay Kumar Tiwary, Advocate
For the Respondent/s	:	Mr.Choubey Jawahar, S.P.P. Mr.Jeetendra Narayan, Advocate

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

ORAL ORDER

3 22-01-2026 Heard learned counsel for the appellant, Mr. Choubey Jawahar, 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 13.11.2025 passed by learned SC/ST Exclusive Special Judge, Chapra, Saran, whereby the prayer for bail of the appellant in connection with Garkha P.S. Case No. 574 of 2025, under Sections 126(2), 115(2), 103(1), 61(2), 351(2) & (3), 3(5) of the BNS, section 27 of the Arms Act and Section 3(1)(r)(s), 3(2)(va) of the SC/ST Act was rejected.

3. Prosecution case, in short, is that on 25.07.2025, the son of the complainant was selling toddy. In the meantime,



informant was feeding her cattle then accused persons named in the F.I.R., including the appellant, arrived there and while drinking toddy started assaulting Manjhi. On protest, co-accused Sohail Ansari shot him in the mouth. Thereafter, co-accused Ajay Manjhi and Sohail Ansari were captured and other succeeded in escape from there.

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 of firing against the appellant. The appellant is in custody since 13.10.2025 and has no 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 13.11.2025 passed by learned SC/ST Exclusive Special Judge, Chapra, Saran, in connection with Garkha P.S. Case No. 574 of 2025, 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 Garkha P.S. Case No. 574 of 2025.

(Rudra Prakash Mishra, J)

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