

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4837 of 2025

Arising Out of PS. Case No.-470 Year-2023 Thana- BAKHTIYARPUR District- Patna

Nitish Kumar S/O Ravindra Ray R/O Vill.- Dedour, P.S.- Bakhtiyarpur, Dist.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Karu Kumar S/O Rajdeo Das R/O Vill.- Champapur, Siman, P.S.- Bakhtiyarpur, Dist.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lal Babu Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 12-03-2026 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 14.11.2025 passed by learned Exclusive Special Judge SC/ST Civil Court, Patna whereby the prayer for bail of the appellant in connection with Bakhtiyarpur P.S. Case No. 470 of 2023 under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code, read with Section 27 of the Arms Act and Section 3(i)(r)(s)(w) of SC/ST Act was rejected.

3. Earlier, anticipatory bail of the appellant was rejected by a co-ordinate Bench of this Court vide order dated



16.05.2025 passed in Cr. Appeal(SJ) No. 103 of 2025.

4. Prosecution case, in short, is that the appellant along with other co-accused persons assaulted informant's brother and opened fire upon him which mistakenly hit a girl namely Ganita Kumari.

5. 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 also submits that no specific allegation of firing has been made against the appellant rather the same is general and omnibus in nature. It is next submitted that as per FIR, no member of the public was present at the relevant point of time of the incident. 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 09.10.2025 and has got four criminal antecedents. Similar co-accused has been granted regular bail by a co-ordinate Bench of this Court vide order dated 17.04.2025 passed in Cr. Appeal (S.J.) No. 648 of 2025.



6. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

7. 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 14.11.2025 passed by learned Exclusive Special Judge SC/ST Civil Court, Patna is hereby set aside.

8. Let the appellant be released on bail ***after framing of charge, if not already framed***, 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 Bakhtiyarpur P.S. Case No. 470 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

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

(III) The appellant will not tamper with the evidence or the witnesses during the trial.

(IV) Appellant shall not commit offence of similar



nature in future.

If any of the above conditions are violated, the Trial
Court shall be at liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

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