

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1424 of 2023

Arising Out of PS. Case No.-337 Year-2021 Thana- RIGA District- Sitamarhi

PRIYANSHU KUMAR SON OF SANJAY PASWAN RESIDENT OF
VILLAGE- RIGA STATION TOLA WARD NO. 12 PS - RIGA, DISTT-
SITAMARHI

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. AJAY BHARTI SON OF RAM CHANDRA PASWAN RESIDENT OF
VILLAGE- RIGA STATION TOLA, WARD NO 12 PS RIGA, DISTT-
SITAMARHI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Santosh Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 12-10-2023 Heard learned counsel for the appellant, informant
and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 27.01.2023 passed by learned 1st Additional Sessions Judge-cum- Spl. Judge SC/ST (POA) Act, Sitamarhi, whereby the prayer for bail of the appellant in connection with Riga P.S. Case No. 337 of 2021 under Sections 302/34 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of killing the son of the informant.

4. It is submitted by learned counsel for the appellant



that appellant has been falsely implicated in this case. The appellant is not named in the FIR and no any incriminating article has been recovered from the conscious possession of the appellant. No T.I. Parade has been done. He further submitted that the appellant informed the informant about the occurrence and the non-involvement of the appellant is also evident from the fact that the appellant is also evident from the fact that the appellant was cited as a witness in the charge-sheet submitted by the police against the other co-accused person. There is no specific allegation against the appellant. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 30.07.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 27.01.2023 arising out of Riga P.S. Case No. 337 of 2021 is hereby set aside.



7. The appellant is directed to be enlarged on bail in connection with Riga P.S. Case No. 337 of 2021 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum- Spl. Judge SC/ST (POA) Act, Sitamarhi.

(Sunil Kumar Panwar, J)

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