

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3605 of 2024

Arising Out of PS. Case No.-274 Year-2024 Thana- SITAMARHI District- Sitamarhi

Adarsh Kumar @ Aadarsh Kumar @ Adarsh Son of Sujit Kumar R/O
Mohalla- Kot Bazar Maharani Asthan, Ward (Chakmahita) No. 13, P.S.-
Sitamarhi, Dist.- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Priyanshu Raj Son of Late Dev Prakash Baitha R/O Vill.- Raghopur Bakhri,
P.S.- Punaura, Dist.- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shankar Kumar, Adv.
For the Respondent/s : Mr.Binay Krishna, SPP

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

ORAL ORDER

4 21-11-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 11.07.2024 passed by learned 1st
Additional Sessions Judge – cum – Special Judge S.C./S.T.
(Prevention of Atrocities) Act whereby the prayer for bail of the
appellant in connection with Sitamarhi P.S. Case No. 274 of
2024 under Sections 302, 201, 34 of the Indian Penal Code and
Section 27 of the Arms Act and Section 3(2)(IV) 3(2)(v) of
SC/ST (Prevention of Atrocities) Act, was rejected.

3. As per prosecution case, the accusation against the



accused persons including the appellant is of committing murder of the Informant's brother.

4. Learned counsel for the appellant submits that the appellant is innocent and has committed no offence as alleged in the F.I.R. and has falsely been implicated in the present case due to enmity and money dispute between the parties. There is no specific and direct allegation of firing against the appellant rather the specific allegation of firing is against the co-accused Ashish Yadav @ Babaji and the Informant also is not the eye-witness to the alleged occurrence and, except suspicion, there is nothing in the entire record of this case against the appellant of being involved in the alleged occurrence. Nothing incriminating has also been found from the conscious/physical possession of the appellant. Charge-sheet has been submitted in this case. The name of the appellant has transpired on the basis of confessional statement of co-accused. 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 12.06.2024 and has one criminal antecedent in which the appellant is on bail.



5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that the Informant in his re-statement in Para-3 of the case diary and the witnesses in Para 4, 5, 6 & 7 of the case diary have supported the prosecution case. The co-accused Ashish Kumar Yadav has also confessed his guilt as also about the complicity of the appellant in the alleged offence. Postmortem report also supports the prosecution case and, hence, the appellant does not deserve bail.

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 11.07.2024 passed by learned 1st Additional Sessions Judge – cum – Special Judge S.C./S.T. (Prevention of Atrocities) Act, Sitamarhi is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sitamarhi P.S. Case No. 274 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the appellant.

(ii) The appellant shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

