

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.221 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- ADAPUR District- East Champaran

Mera Lal Prasad Son of Bhikham Singh R/o vill - Shyampur, P.S. - Adapur,
Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Bachha Paswan R/o vill - Shampur, P.S. - Adapur, Distt. - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anuj Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For the R.No. 2	:	Ms. Shiwani Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-09-2025 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 and learned Spl. Public Prosecutor for the State.

2. This criminal appeal has been filed against the order dated 31.10.2023 passed by learned Special Judge (SC & ST) Act, East Champaran, Motihari in ABP No. 5309 of 2023 in connection with Adapur P.S. Case No. 266 of 2023, instituted under Sections 341, 302, 120B, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.



3. Prosecution case in short, is that, when the informant along with her son and husband was at the place of occurrence, three bike-borne criminals came there and shot her husband due to which he died on spot. It is further alleged by the informant that the appellant along with other accused persons used to threaten and abuse the deceased prior to the alleged occurrence with respect to land dispute.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Informant claims to be eye witness of the occurrence and as per her statement, three unknown miscreants, riding on motorcycle, shot the husband of informant dead. Only suspicion has been raised against the appellant on account of previous land dispute and it is not the case of informant that it was this appellant who killed the husband of informant. There is no allegation of abuse by caste name as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period



of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC & ST) Act, East Champaran, Motihari in ABP No. 5309 of 2023 in connection with Adapur P.S. Case No. 266 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 31.10.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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