

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.278 of 2025

Arising Out of PS. Case No.-187 Year-2024 Thana- AAJAM NAGAR District- Katihar

Dilip Rishi S/O Marwari Rishi R/O Jhilipara Mushar Toli, P.S.- Azam Nagar,
Dist.- Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi W/O Raj Kumar Rajak R/O Palsa, P.S.- Azam Nagar, Dist.-
Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, SPP

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

ORAL ORDER

5 01-07-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. The instant appeal has been filed by the appellant

against the order dated 12-09-2024 passed by learned ADJ-I-

cum-Special Judge, SC/ST, Act, Katihar whereby the prayer for

bail of the appellant in connection with Azam Nagar PS Case

No. 187 of 2024 under Sections 302, 120(B) & 34 of the Indian

Penal Code (for short 'IPC') and Section 3(2)(v) of SC/ST Act

was rejected.

3. Prosecution case, in short, is that on 13.05.2024,

Informant's husband was found murdered near *Kali Mandir*



with his intestines protruding. She alleged the murder was due to a land dispute involving 17 decimals she bought, which Saiful and Md. Tanweer repeatedly tried to grab by threatening her. She also faced threats over another 15.3-decimal plot purchased from Salauddin.

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. Appellant is not named in the FIR. The name of the appellant has transpired on the basis of confessional statement of co-accused, namely, Shankar Sharma. There is no eye witness to the occurrence. Learned counsel for the appellant submits that appellant in his confessional statement has stated that in order to remove the husband of the informant, it was Deepak Rishi, who gave dagger blow in the stomach of deceased, due to which he succumbed to his injuries. 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 17-05-2024 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 petitioner. It is fervently contended that from perusal of the confessional statement of co-accused, including the appellant, it would manifest that there was illicit relationship of deceased Raj Kumar Rajak with the wife of Deepak Rishi and it was appellant and co-accused, namely, Shankar Sharma, who caught hold the deceased, whereas Deepak Rishi gave knife blow upon the Raj Kumar Rajak (deceased).

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 12-09-2024 passed by learned ADJ-I-cum-Special Judge, SC/ST, Act, Katihar is hereby set aside.

7. Let the appellant 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 Azam Nagar PS Case No. 187 of 2024, 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. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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