

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.464 of 2025

Arising Out of PS. Case No.-197 Year-2023 Thana- MINAPUR District- Muzaffarpur

1. Tribhuwan patel S/O Dashrath Patel Resident of village -Pakhnahan Sriram, P.s.-Minapur (Panapur O.P), Dist- Muzaffarpur
2. Bhola Patel S/O Tribhuwan Patel Resident of village -Pakhnahan Sriram, P.s.-Minapur (Panapur O.P), Dist- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Pramila Devi W/O Ramjee Paswan Resident of village -Kharika, P.s.-Minapur (Panapur O.P), Dist- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

7 19-06-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State. None appears for the informant.

2. The instant appeal has been filed by the appellants against the order dated 02-01-2025 passed by learned Special Court, SC/ST (PoA) Act, Muzaffarpur whereby the prayer for bail of the appellants in connection with Minapur PS Case No. 197 of 2023 registered under Sections 302 & 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 14.05.2023 at about 5:00 A.M., accused Tribhuwan Patel (appellant) along



with his sons Bhola Patel and Rahul Patel allegedly took the informant's son Awadh Kishore Paswan from his house, assaulted him, and killed him by strangulation, later hanged his body on a litchi tree. Villagers discovered the body while visiting the orchard and raised an alarm. The police were informed, and it was revealed that the accused had threatened to kill the deceased a month earlier.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellants submits that there is delay of four days in lodging the FIR. There is no consistent evidence and no eye-witness to the alleged occurrence to show that the appellants were involved in the present case. It is a case of last seen and only on the basis of suspicion, appellants have been implicated in this case. Learned counsel for the appellants further submits that the appellants have 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 them. The appellants has no intention to disgrace the image of the informant in public view. The appellants are in custody since 20-08-2024 and have no criminal antecedent. Other co-accused



has been granted bail by a Co-ordinate Bench of this Court vide order dated 04-01-2024, passed in Cr. Appeal (SJ) No. 4297 of 2023.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellants. Other witnesses have fully supported the prosecution case. As per postmortem report, doctor has opined the cause of death as asphyxia caused by pressure over neck.

6. Considering the aforesaid facts and circumstances of the case, there being no cogent material against the appellants, claim based on parity and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 02-01-2025 passed by learned Special Court, SC/ST (PoA) Act, Muzaffarpur.

7. Let the appellants be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Minapur PS Case No. 197 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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