

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.612 of 2025**

Arising Out of PS. Case No.-288 Year-2024 Thana- UDAKISHUNGANJ District-
Madhepura

Ghanshyam Yadav S/o- Dashrath Yadav R/o Village- Biswari P.s. Gwalpara
District-Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Santu Kumar S/o- late Shyamlal Ram @ Late Shyam Lal Ram Village-
Biswari W.No-4, Ps- Gwalpara Dist- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pawan Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP
For the Informant : Mr. Saroj Kumar Choudhary, Advocate

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

ORAL ORDER

4 04-04-2025 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 23.10.2024 passed by learned Additional
Sessions Judge, 1st cum Special Judge SC/ST (PoA) Act,
Madhepura whereby the prayer for bail of the appellant in
connection with Udakishunganj P.S. Case No. 288 of 2024
under Sections 137(2), 140(3), 62 of the BNS, later on Sections
61(2), 140(1), 238, 103(1) 3(5) of the BNS and Sections 3/5 of
SC/ST Act and later on Section 3(2)(v) of SC/ST Act was
rejected.

3. Accusation against the accused persons including



the appellant is of committing murder of the informant's brother namely Mantu Kumar.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is no direct material against the appellant. There is no eye-witness to the occurrence and the appellant is being dragged in this case merely on the basis of suspicion. Learned counsel further submitted that there is previous enmity between the parties. Learned counsel further submitted that no any cogent material has cropped up against the petitioner during the course of investigation. 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. Charge-sheet has been submitted in this case. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 23.09.2024 and has no criminal antecedent. The co-accused person has already been granted bail by this Court vide order dated 18.01.2025 passed in Cr. Misc. No. 5000 of 2024.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the



appellant.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity 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 23.10.2024 passed by learned Additional Sessions Judge, 1st cum Special Judge SC/ST (PoA) Act, Madhepura in connection with Udakishunganj P.S. Case No. 288 of 2024 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 Udakishunganj P.S. Case No. 288 of 2024.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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