

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1185 of 2025

Arising Out of PS. Case No.-889 Year-2024 Thana- PIRBAHOR District- Patna

Piyush Kumar Son of Sri Ramesh Kumar Ram Resident of Village - Rajapul,
Parnami Mandir, P.S. - S.K.Puri, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sangita Devi Late Binay Kumar Das Resident of village- Lundru, P.O.-
Deokuli, P.S.-Echak, District- Hazaribagh
2. Sangita Devi Wife of Late Binay Kumar Das Resident of Village - Lundru,
P.O. - Deokuli, P.S. - Echak, District - Hazaribagh

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Om Prakash Singh, Advocate

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

ORAL ORDER

5 31-07-2025 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 01.02.2025 passed by learned Exclusive
Special Judge, SC/ST Act, Civil Court (Sadar), Patna whereby
the prayer for bail of the appellant in connection with Serial
Case No. 542 of 2024 arising out of Pirbahore P.S. Case No. 889
of 2024 under Sections 126(2), 103(1), 3(5) of the BNS, Section
27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(v) of SC/ST
Act was rejected.



3. The prosecution case, in short, is that the accused Monu and one unknown person, due to business rivalry, committed the murder of Vinay Kumar Das by firing upon him near PMCH, Patna.

4. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. Appellant is not named in the F.I.R. The name of the appellant transpired in this case on the basis of confessional statement of the co-accused. Learned counsel further submitted that during investigation, co-accused Aman Kumar has confessed his guilt and stated that he along with one Monu committed the murder of the deceased. Learned counsel further submitted that as per the statement of the co-accused Aman Kumar, the present appellant is nowhere connected with the alleged occurrence. Learned counsel for the appellant further submitted 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 31.12.2024 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



appellant stating that the accused persons including the appellant committed the murder of the deceased.

6. Considering the aforesaid facts and circumstances of the case, there being no cogent material against the appellant to show his involvement in the alleged offence 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 01.02.2025 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Serial Case No. 542 of 2024 arising out of Pirbahore P.S. Case No. 889 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 Serial Case No. 542 of 2024 arising out of Pirbahore P.S. Case No. 889 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.

(III) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail

(IV) Appellant shall not leave the territorial jurisdiction of the learned court below without taking its prior permission. If appellant violates any condition/s, the prosecution will be at liberty to move for cancellation of bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Alok Verma/-

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

