

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1733 of 2025**

Arising Out of PS. Case No.-516 Year-2024 Thana- PIRPAINTI District- Bhagalpur

Rishu Kumar S/o Chanchal Yadav R/o Village- Govindpur, Mohanpur, P.S.-
Pirpanti, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mosmat Kushma Devi W/o Late Arjun Mandal R/o Village and P.O.-
Govindpur, Mohanpur, Ward No. 2, P.S.- Pirpanti, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashutosh Kumar, Adv.

For the Respondent/s : Mr. Umanath Mishra, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 27-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 25.03.2025 passed by the learned District & Additional Sessions Judge III-cum-Special Judge, SC/ST Act, Bhagalpur in Pirpanti P.S. Case No. 516/2024 and Special SC/ST Case No. 202/2024 arising out of Pirpanti dated 11.11.2024 registered for the offences punishable u/s 103(2) read with Section 3(5) of the B.N.S. and Sections 3(1)(r)(s) / 3(2)(va) of the SC/ST Act.



3. As per the prosecution case, 10.11.2024 at around 10 P.M. in the night, the informant's son Manoj Kumar went to sleep. On 11.11.2024 at 06:30 A.M., in the morning when she woke up, she went to her son where he was sleeping but she could not find him. On search, the informant found her son hanging from a bamboo tree near the Bas Bitta with rope around his neck. On *halla*, nearby people gathered and when the rope was cut around her son's neck, her son was already dead. It is further alleged that she belongs to Kharwar caste and her son has lodged Pirpainti P.S. Case No. 485/24 against Anuj Kumar, Sonu Kumar, Rishu Kumar (appellant), Ankit Kumar. It is further alleged that yesterday i.e. on 10.11.2024 at around 9 A.M. in the morning Ambika Yadav, Pappu Yadav, Bholi Yadav, Upendra Yadav @ Pairu Yadav, Chanchal Yadav @ Chicho Yadav, Pradip Yadav, Shivji Yadav and Dilip Singh have come for Panchayti at her road side's house to withdraw the aforesaid case, but her son was not ready to withdraw the case. The informant has full faith that for withdrawing the aforesaid case, the accused persons have murdered her son Manoj Kumar last night by strangulating him with a rope in the Bas Bitta.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to



ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. There is general and omnibus allegation against the appellant. There is no eye-witnesses of the alleged occurrence. Learned counsel has submitted that the P.M. Report does not support the prosecution case. The co-accused person has already been granted bail by this court vide order dated 15.05.2025 passed in Cr. Appeal (SJ) No. 1055/2025. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 24.12.2024.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer for bail of the appellant. As per the Post Mortem Report, the cause of death is due to asphyxia and venous congestion due to ante-mortem hanging.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 25.03.2025 passed by the learned District & Additional Sessions Judge III-cum-Special Judge, SC/ST Act, Bhagalpur in Pirpainti P.S. Case No. 516/2024 and Special SC/ST Case No. 202/2024



arising out of Pirpainti, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge III-cum-Special Judge, SC/ST Act, Bhagalpur in Pirpainti P.S. Case No. 516/2024 and Special SC/ST Case No. 202/2024 arising out of Pirpainti, with further condition:-

(i). The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the appellant is liable to be cancelled.

(Chandra Prakash Singh, J)

Gautam/-

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

