

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1969 of 2025

Arising Out of PS. Case No.-280 Year-2023 Thana- PAKRIDAYAL District- East Champaran

Niranjan Paswan S/o Bhagayanarayan Paswan Resident of village - Sisahni,
P.S.- Pakaridayal, Distt.- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Jai Kishore Paswan R/o vill - Sisahni, ward no. 15, P.S. - Pakaridayal, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Ujjwal Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 25-09-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State, learned counsel for the informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 25.04.2025 passed by learned Special Judge SC/ST Act, East Champaran at Motihari whereby the prayer for bail of the appellant in connection with Pakaridayal P.S. Case No. 280 of 2023 under Sections 302, 307, 336, 201, 120(B), 34 of the Indian Penal Code, read with Sections 17/25(g), 27 of the Arms Act and Section 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that two sons of the



informant went to attend a wedding ceremony where informant's son, namely, Govind Kumar was killed on account of firing and two other persons got injured. It has been alleged that the appellant along with other co-accused persons helped in concealing the dead body of the deceased wrapped with blanket in the field.

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. Learned counsel for the appellant also submits that no specific allegation of firing has been made against the appellant rather the same is general and omnibus in nature. It is next submitted that specific allegation of firing is against co-accused Prabhakar Paswan and Bhulan Sah. 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 12.04.2025 and has got no criminal antecedent. Similar co-accused have been granted regular bail by this Court vide order dated 20.06.2024 passed in Cr. Appeal (S.J.) No. 1169 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 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 25.04.2025 passed by learned Special Judge SC/ST Act, East Champaran at Motihari is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pakaridayal P.S. Case No. 280 of 2023.

(Rudra Prakash Mishra, J)

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