

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2170 of 2025

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

Harshwardhan son of Shivnandan Prasad Singh Village- Kumhrar, Back of
Bapu Pariksha Parisar, ps- Agamkuan, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangita Devi Wife of Binay Kumar Das village- Lunduru Ps- Echake Dist-
Hazaribag, Dist- Jharkhand

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kritu Verma, 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

4 17-09-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 07.05.2025 passed by learned Special Judge SC/ST (Prevention of Atrocities) Act, Patna whereby the prayer for bail of the appellant in connection with Pirabhore P.S. Case No. 889 of 2024 under Sections 126(2), 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Section 27 of the Arms Act, Sections 3(1)(r)(s) and 3(2)(v) of SC/ST Act was rejected.



3. Prosecution case, in short, is that the accused Mony 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 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 the appellant is not named in the FIR. Name of the appellant has transpired in this case on the basis of confessional statement of co-accused, namely, Monu and the same has got no evidentiary value. No specific allegation has been attributed against the appellant rather the same is general and omnibus in nature. 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 30.12.2024 and has got no criminal antecedent. Similar co-accused has been granted regular bail by this Court vide order dated 31.07.2025 passed in Cr. Appeal (S.J.) No. 1353 of 2025.



5. Learned Special P.P. for the State and learned counsel for 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 07.05.2025 passed by learned Special Judge SC/ST (Prevention of Atrocities) Act, Patna 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 Pirabhore P.S. Case No. 889 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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