

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2213 of 2025**

Arising Out of PS. Case No.-463 Year-2024 Thana- PARAIYA District- Gaya

Kundan Viswakarma @ Kundan Kumar S/O Rajesh Vishwakarama @ Rajesh Mistry R/o Village- Dakhner, P.S- Paraiya, Dist- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aryan Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	None

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

ORAL ORDER

3 31-07-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 09.04.2025 passed by learned Exclusive Special Judge, SC/ST Act, Gaya whereby the prayer for bail of the appellant in connection with Paraiya P.S. Case No. 463 of 2024 registered under Sections 103, 3(5) of the BNS and Sections 3(i)(r)(s) and 3(2)(va) of SC/ST Act was rejected.

3. Accusation against the accused persons is of brutally assaulting and killing Satyendra Paswan with bricks, stones and *lathi*.

4. Learned counsel for the appellant submitted that the



appellant has falsely been implicated in the present case. Learned counsel further submitted that no specific allegation has been levelled against the appellant rather the same is general and omnibus in nature. Learned counsel further submitted that there is no eye-witness to the occurrence. Nobody has seen the appellant with the deceased and the entire prosecution case is based on suspicion. Learned counsel further submitted that during investigation, no witness has supported the case of the prosecution. 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 21.12.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant, stating that all the accused persons including the appellant assaulted the deceased due to which he died.

6. Considering the aforesaid facts and circumstances of the case, there being no direct allegation of assaulting the deceased as also the period of custody undergone by the



appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 09.04.2025 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Paraiya P.S. Case No. 463 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 Paraiya P.S. Case No. 463 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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

