

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2253 of 2025

Arising Out of PS. Case No.-341 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Yashwant Singh Late Ganesh Prasad Singh R/o village- Naya Nagar P.S
Hasanpur District Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Phool Kumar Paswan Son of Prasadhi Paswan R/O Vill- Purpathar, P.S
Khodawandpur (Chhaurahi O.P), Distt.- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan

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

ORAL ORDER

4 07-08-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. None appears on behalf of the informant despite notice being validly served. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 23.04.2025 passed by learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai whereby the prayer for bail of the appellant in connection with Khodawanpur P.S. Case No. 341 of 2022 under Sections 147, 364, 376D, 302, 201, 149 of the Indian Penal Code and Sections 3(2)(v) of SC/ST Act was rejected.

3. Allegation against the accused persons including the



appellant is of commission of rape upon the informant's wife and, thereafter, committing her murder.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is no eye-witness to the occurrence and the appellant has been named in the FIR merely on the basis of suspicion. Learned counsel further submitted that post-mortem report of the deceased does not support the allegation made in the FIR as no semen was found in the pathological examination. 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. Charge-sheet has been submitted in this case. The appellant is in custody since 20.02.2025 and has three criminal antecedents. The similarly situated co-accused person has already been granted bail by this Court vide order dated 21.02.2025 passed in Cr. Appeal (SJ) No. 4226 of 2024.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances



of the case, claim based on parity 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 23.04.2025 passed by learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with Khodawanpur P.S. Case No. 341 of 2022 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail, ***after framing of charge, if not already framed,*** 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 Khodawanpur P.S. Case No. 341 of 2022, 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/-

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