

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5000 of 2024

Arising Out of PS. Case No.-288 Year-2024 Thana- UDAKISHUNGANJ District-
Madhepura

=====

Meghraj Kumar @ Ayush Raj @ Medhraj Kumar son of Janeshwar Yadav @
Dinesh Yadav @ Bijli Yadav Resident of village- Biswari, P.S.-Gwalpara,
District-Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Santu Kumar son of Late Shyamlal Ram @ Late shyam Lal Ram Resident of
village- Biswari, P.S.-Gwalpara, District-Madhepura.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. N. K. Agarwal, Sr. Adv. Mr. Pawan Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, SPP
For the Informant	:	Mr. Dewanand Tiwari, Adv.

=====

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

ORAL ORDER

3 18-01-2025 Heard Mr. N.K. Agarwal assisted by Mr.

Pawan Kumar, learned senior counsel for the
appellant, learned Special Public Prosecutor for the
State as also learned counsel for the informant.
Perused the case diary.

2. The instant appeal has been filed by the
appellant against the order dated 26.09.2024
passed by learned Additional Sessions Judge, 1st
cum Special Judge, SC/ST (POA) Act, Madhepura
whereby the prayer for bail of the appellant in



connection with Udakishunganj P.S. Case No. 288 of 2024 under Sections 137(2), 140(3), 62 of the BNS later on added u/s 61(2), 140(1), 238, 103(1), 3(5) of the BNS and Sections 3/5 of the SC/ST Act and later on added Sections 3(2)/(v) of the SC/ST Act, was rejected.

3. As per prosecution case, the accusation against the accused persons including the appellant is of committing murder of the Informant's brother namely Mantu Kumar.

4. Learned counsel for the appellant submits that the appellant is innocent and has committed no offence as alleged in the F.I.R. and has falsely been implicated in the present case due to dirty village politics as also on the basis of suspicion. Charge-sheet has been submitted in this case. Learned counsel for the appellant further submits that there is no direct or specific allegation of any overt act against the appellant rather the same is general and omnibus in nature. Learned counsel for the appellant further submits that the witness Ranju Devi, who is the main



witness to the alleged occurrence has though fully supported the prosecution case but, has not taken name of any of the accused persons including the appellant. Learned counsel for the appellant further submits that allegation made in the F.I.R. and the statement made by the Informant under Section 183 of the B.N.S.S. contained in Para-100 of the case diary are fully contradictory to each other which creates doubt in the prosecution case as there is no mention in the F.I.R. of alleged firing and driving car over the body of the deceased after firing. He further submits that the appellant has not abused the Informant in his caste name and, hence, the offence under the provisions of SC/ST Act is not attracted against the appellant. The appellant is a student and, at the time of occurrence, he was in Patna at his tuition center for preparing the examination. The appellant is in custody since 25.08.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for



grant of bail to the appellant, stating that the appellant is named in the F.I.R. The offence alleged against the appellant is serious in nature. The police have recovered live cartridge, blood stained torch and blood stain swab etc. from the place of occurrence. The postmortem report shows the cause of death of the deceased due to injury sustained on the vital organ i.e. brain as a result of head injury caused by hard and blunt object. Several witnesses have also supported the prosecution case. The appellant is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstances of the case, the period of custody undergone by the appellant, the appellant having no criminal antecedent as also there being no specific allegation of any overt act against the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 26.09.2024 passed by learned Additional Sessions Judge, 1st cum Special Judge,



SC/ST (POA) Act, Madhepura 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.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Udakishunganj P.S. Case No. 288 of 2024, subject to following conditions;

(i) One of the bailor(s) shall be the own/close family members of the appellant.

(ii) The appellant shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

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

