

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5120 of 2024

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

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Srideo Kumar @ Rishu Raj @ Rishav Raj Son of Late Maheshwar Yadav R/O
Vill.- Biswari, P.S.- Gwalpara, Dist.- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Santu Kumar Son of Late Shyamlal Ram R/O Vill.- Biswari, P.S.- Gwalpara,
Dist.- Madhepura

... .. Respondent/s

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Appearance :
For the Appellant/s : Mr. Raghaw Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

4 09-05-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. The instant appeal has been filed by the appellant

against the order dated 26.09.2024 passed by learned Additional

District & 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 Sections

61(2), 140(1), 238, 103(1) 3(5) of the BNS and Sections 3/5 of

SC/ST Act and later on Section 3(2)(v) of SC/ST Act was

rejected.



3. 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 has falsely been implicated in the present case. Learned counsel further submitted that there is no direct material against the appellant. There is no eye-witness to the occurrence and the appellant is being dragged in this case merely on the basis of suspicion. Learned counsel further submitted that there is previous enmity between the parties. Learned counsel further submitted that no any cogent material has cropped up against the petitioner during the course of investigation. 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. Charge-sheet has been submitted in this case. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 25.08.2024 and has one criminal antecedent. The co-accused person has already been granted bail by this Court vide order dated 04.04.2025 passed in Cr. Appeal (SJ) No. 612 of 2025.

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, claim based on parity 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 26.09.2024 passed by learned Additional District & Sessions Judge, 1st cum Special Judge SC/ST (PoA) Act, Madhepura in connection with Udakishunganj P.S. Case No. 288 of 2024 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 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.



8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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