

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5569 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- ADAPUR District- East Champaran

Priyanshu Singh @ Priyanshu Raj @ Vishal Singh son of S/O Bhola Singh @
Dhananjay Kumar Singh @ Dhananjay Kumar R/O village- Shantipuri, P.S.-
Nagar Motihari, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi wife of Late Bachcha Paswan Resident of village- Shyampur,
P.S.- Adapur, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Abhishek Kumar, Adv.
For the State	:	Mrs.Usha Kumari 1, Spl.P.P.
For the Respondent -2	:	NONE

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-11-2025 Heard learned counsel for the appellant and learned
Special P.P. for of the State. Despite valid service of notice,
nobody appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated
19.09.2024 passed by learned Special Judge, SC/ST Act,
Motihari in connection with Adapur P.S. Case No. 266 of 2023,
registered under Sections 341, 302, 120(B), 504, 506 of the
Indian Penal Code, Section 27 of the Arms Act and Section 3(2)
(v) of Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (for short “SC/ST Act”), whereby the prayer for
bail of appellant has been rejected.

3. As per F.I.R., on 06.09.2023 at 7 AM, while the
informant along with her husband and son were at the place of



occurrence, three bike-borne miscreants shot her husband dead. Informant claims that all the accused persons named in the F.I.R. including appellant have committed the alleged occurrence, since they previously abused the deceased by caste name and threatened with dire consequences over old land dispute and political rivalry.

4. Learned counsel for the appellant submits that appellant is not named in the F.I.R. and his name figured in this case on the basis of confessional statement of co-accused Abhishek Kumar. Only material, which has come against the appellant, is that he was also involved in the alleged offence. Similarly situated co-accused Sohan Singh has been granted bail by this Court, vide order dated 15.07.2024 passed in Cr.Appeal (SJ) No. 5177 of 2023 (Annexure – 2). It is not the case of the informant that at the time of alleged occurrence any public was present and as such, no case under SC/ST Act is made out in this case. The appellant is in custody since 29.04.2024.

5. Learned Spl. Public Prosecutor for the State opposes the appeal.

6. However, considering the aforesaid facts and circumstances as well as period of custody, the impugned order dated 19.09.2024 is, hereby, set aside and this criminal appeal is



allowed.

7. Let the appellant, as named above, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Adapur P.S. Case No. 266 of 2023.

(Prabhat Kumar Singh, J)

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