

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1606 of 2025

Arising Out of PS. Case No.-343 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

Badal Kumar son of Navin Kuwar @ Navin Kumar Singh @ Naveen Kumar
Resident of village -Chaksalem PS -Patory District -Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sikdev Paswan son of Late Saryug Paswan village- Chaksalem, Ward no. 9,
ps- Patory, Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nand Kumar Sagar, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 08-04-2026 Despite valid service of notice upon Respondent No. 2 and also the fact that learned SPP for State had informed the Respondent No.2 about the present case, no one appeared on behalf of Respondent No.2.

2. Heard Mr. Nand Kumar Sagar, learned counsel for the appellant as well as Mr. Binay Krishna, learned Spl.P.P. for the State.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 25.10.2024 passed by the learned Court of Special Judge, SC/ST(POA) Act, Samastipur in connection with Patory P.S. Case No. 343 of 2024, F.I.R. dated 29.08.2024 registered under Sections 274,



275, 123, 103(1) of the Bharatiya Nyay Sanhita, 2023 and 3(1) (r) (s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the appellant came at informant's house and took informant's son, Monu Kumar with him to his house where other accused persons were present before and this appellant gave some poisonous liquid to the informant's son and thereafter assaulted and abused the him using case abusive words and drove him from his house. As the condition of Monu Kumar got worsened, he was taken to hospital for treatment but he died the next day.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. Infact the appellant along with deceased and other persons had consumed the liquor in question due to which appellant had also lost his vision and appellant had no knowledge about the fact that the liquor which they are taking is poisonous and similarly situated co-accused persons, namely, Munni Devi @ Priya Devi and Deep Kumar @ Depak Kumar @ Chhotu have been granted



the privilege of bail by the co-ordinate Bench of this Court vide order dated 18.03.2025 in Cr. Appl(SJ) No. 5465 of 2024. He next submits that the police had submitted charge-sheet against the appellant and the appellant is in custody since 30.08.2024.

6. Learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant.

7. Considering the facts and circumstances of the case, appellant has clean antecedent and similarly situated co-accused persons have been granted the privilege of bail by the co-ordinate Bench of this Court ,let the appellant, above named, 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 Court of Special Judge, SC/ST(POA) Act, Samastipur in connection with Patory P.S. Case No. 343 of 2024, with other following conditions:-

i. Appellant shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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