

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1992 of 2025

Arising Out of PS. Case No.-88 Year-2024 Thana- CHANDRAMANDI District- Jamui

Sandeep Kumar @ Sandip Kumar S/O Sri Ramjeevan Singh @ Ramjeev
Kumar Singh R/O Vill.- Boraha, P.s.- Simri Bakhtiyarpur, Dist.- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Fulwa Devi W/O Kailash Das R/O Vill.- Peterpahari, P.s.- Chakai, Dist.-
Jamui, Present R/O Motimahal Chakai, P.s.- Chakai, Dist.- Jamui

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vaishnavi Singh, Advocate

For the Respondent/s : Ms. Usha Kumari 1, APP

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

ORAL ORDER

4 05-02-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 05.04.2025 passed by learned District and Additional Sessions Judge-I, Jamui whereby the prayer for bail of the appellant in connection with Chandramandih PS Case No. 88 of 2024 instituted under Sections 302, 201 & 120B of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(v) & 3(2)(va) of SC/ST Act was rejected.



3. Prosecution case, in short, is that informant alleged that her son, Chhotu Kumar @ Raj Kumar Paswan, was called by Kumar Vijay Raj @ Vijay Kumar, Nisi Raj, Darvesh Kumar @ Dharmesh Kumar, Sanjay Kumar (appellant) and unknown persons and was killed by throttling pursuant to a prior conspiracy. It is stated that the accused thereafter threw his dead body in Ghormo Bahiyar to conceal the offence, and were found absconding when she went to enquire. The informant, after being alerted by villagers, reached Ghormo Bahiyar and identified the dead body of her son, suspecting the named accused due to an earlier quarrel and threats.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Appellant is not named in the FIR. The name of the appellant has transpired in re-statement of the informant. There is no specific allegation against the appellant, rather the same is general and omnibus in nature. 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. The appellant is in custody since 26.06.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant. It is submitted that co-accused has confessed his guilt in his confessional statement and has specifically stated the role of the appellant. As per postmortem report, cause of death is mechanical asphyxia caused by strangulation.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 05.04.2025 passed by learned District and Additional Sessions Judge-I, Jamui is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chandramandih PS Case No. 88 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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

