

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2184 of 2025

Arising Out of PS. Case No.-434 Year-2024 Thana- PUPRI District- Sitamarhi

=====

Guddu Giri S/O Manoj Giri Resident of Village- Pupri, P.S.- Pupri, District-
Sitamahi

... .. Appellant/s

Versus

1. The State of Bihar
2. Rani Devi W/O Shrawan Paswan Resident of Village- Pupri, P.S.- Pupri,
District- Sitamahi

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ravi Ranjan, Advocate

For the Respondent/s : Mr. Sanjay Kumar Pandey, Spl. PP

=====

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 15-01-2026 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 07.04.2025 passed by learned First Additional Sessions Judge-cum-Special Judge, SC/ST (P.O.A.) Act, Sitamarhi whereby the prayer for bail of the appellant in connection with Pupri P.S. Case No. 434 of 2024 under Sections 103 and 3(5) of the B.N.S., 2023 and sections 3(2)(v) of SC/ST (P.O.A.) Act.

3. The case of the prosecution in short is that Raja Das, Santosh Thakur, Chhotu Kumar, and Ajay Kumar told the son of the informant to bring illicit liquor, which was refused by



him. As the son of the informant did not return home till 09:00 PM, Raja Das and two persons came to search for him, and on the next day the villagers said that a dead body was lying near the Brahma Asthan Railway line. The informant went there, and she found that the dead person was her son.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. Learned counsel for the appellant submits that the appellant is not named in the FIR; rather, his name has surfaced in Para-30 of the case diary. During the course of investigation, one witness namely, Raja Kumar has stated that the appellant, along with others, was going towards Brahma Asthan with the deceased. They were under the influence of intoxication, and this witness believes that they have killed the deceased. He also submits that one co-accused, namely, Binod Paswan, has given his confessional statement, and in his confessional statement also he has named this appellant. It has also been submitted that save and except the confessional statement and the suspicion of witness namely, Raja Kumar which is termed as the last-seen theory of the prosecution, there is nothing against the appellant. From perusal of the postmortem report, it is clear that the doctor conducting the autopsy of the



deceased has found only one injury on the person of the deceased i.e., a lacerated wound over the right forehead of size 2"x1"x1/2" scalp deep with bleeding from both ears. The doctor has opined that, in my opinion, the cause of death was due to hemorrhage and shock leading to C.R. failure as a result of the above injury caused by a hard and heavy running object. Learned counsel for the appellant further submits that the cause of death as opined by the doctor conducting the autopsy also creates a chance of accident, as the injury is caused by a hard and heavy running object. He further submits that a similarly situated appellant, namely, Raja Das, has been allowed bail by the learned coordinate bench of this court passed in Criminal Appeal (SJ) No. 2684 of 2025. The case of this appellant stands on the same footing. Moreover, a statement has been made in para-3 of this petition that the appellant has got no criminal antecedent and he is languishing in judicial custody since 07.01.2025.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that the appellant is having criminal antecedent of five cases.

6. Having heard learned counsel for the parties and



taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 07.04.2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Pupri P.S. Case No. 434 of 2024 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned First Additional Sessions Judge-cum-Special Judge, SC/ST (P.O.A.) Act, Sitamarhi.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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

