

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3817 of 2025

Arising Out of PS. Case No.-348 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Prince Kumar S/o Omprakash Thakur R/o Village - Pakwalia, P.S -
Hussainganj, District - Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar S/o Late Nawal Kumar Ram R/o Mohalla - Mahadeva Mission,
P.S - Siwan Muffasil (Mahadeva O.P), District - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rakesh Kumar Shrivastava, Advocate
For the Respondent/s	:	Mr.Binay Krishna, SPP
		Mr. Sheojee Mishra, Advocate

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

ORAL ORDER

4 29-01-2026 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 06.08.2025 passed by learned 1st
Additional Sessions Judge cum Special Judge, Siwan whereby
the prayer for bail of the appellant in connection with Siwan
Muffasil P.S. Case No. 348 of 2024 under Sections 302/34 of
the Indian Penal Code, Section 27 of the Arms Act and Sections
3(1)(r)(s), 3(2)(v) of SC/ST Act was rejected.

3. Accusation against the three unknown accused
persons is of firing upon the informant's brother due to which he



died.

4. Learned counsel for the appellant submitted that the appellant is innocent and has falsely been implicated in the present case only on the basis of suspicion. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of at the instance of the co-accused. Learned counsel for the appellant submits that, as per the material available in the case diary, there is no specific allegation against the petitioner. Learned counsel further submitted that there is no eye-witness to the alleged occurrence. He next submits that as per the impugned order, the specific allegation of firing is attributed to co-accused Jimmi @ Master Jitendra Yadav. 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. Charge-sheet has been submitted in this case. Learned counsel for the appellant further submits that other co-accused has been granted bail by this Court vide order dated 21.03.2025 passed in Cr. Appeal (SJ) No. 5187 of 2024. The appellant is in custody since 19.07.2025 and has no criminal antecedent.



5. Learned Special P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, there being no allegation of firing against the petitioner as per the material available in the case diary 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 06.08.2025 passed by learned 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Siwan Muffasil P.S. Case No. 348 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, 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 Siwan Muffasil P.S. Case No. 348 of 2024.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

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