

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4061 of 2025

Arising Out of PS. Case No.-272 Year-2024 Thana- SITAMARHI District- Sitamarhi

Sunil Kumar @ Sunil Yadav @ Chhotaka Chorwa S/O Dinesh Rai @ Dinesh Ray Resident of Village- Amghatta, Ward No.31, P.S. and Dist- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Marachhiya Devi W/O Shiva Paswan R/O Village- Amghatta, Ward No. 31, P.S and Distt.- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 28-01-2026 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 01.09.2025 passed by learned Additional Sessions Judge, 1st-cum-Special Judge, SC/ST, Sitamarhi whereby the prayer for bail of the appellant in connection with Sitamarhi P.S. Case No. 272 of 2024 under Sections 302, 201/34 of the Indian Penal Code and Sections 3(2) (iv), 3 (2) of SC/ST (POA) Act was rejected.

3. The case of the prosecution in short is that the informant, along with her son, went to attend a wedding at the house of Jageshwar Paswan. She returned home, and she called



her son on his mobile, but he could not attend the call. Thereafter, she searched for him, but he could not be traced. In the morning, one Rajendra Paswan was informed about the dead body of her son, which was lying at the railway line after cutting his neck. It is further alleged that some days ago the appellant and the co-accused persons had threatened to kill him.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Learned counsel for the appellant submits that the name of this appellant is not there in the FIR. During the course of investigation, co-accused namely, Triveni Kumar has given his confessional statement, in which he has named this appellant. Save and except, confessional statement, there is nothing against this appellant. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. It has also been submitted that similarly situated other co-accused person has already been granted bail by this court vide order dated 22.01.2026 passed in Cr. APP(SJ) No. 38 of 2025. The case of this appellant stands on similar footing. Moreover, the appellant is languishing in judicial custody since 27.05.2024.

5. The appeal for bail is opposed by learned Spl. P.P.



for the State and submitted that appellant is having criminal antecedent of one case.

6. Having heard learned counsel for the parties and taking into consideration that there is no any specific overt act against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 01.09.2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Sitamarhi P.S. Case No. 272 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 Additional Sessions Judge, 1st-cum-Special Judge, SC/ST, Sitamarhi.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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

