

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4224 of 2025

Arising Out of PS. Case No.-628 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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Chhotu Srivastava @ Hari Shankar Prasad @ Chhote Srivastava Son of Late
Thakur Prasad Resident Of Ward No 38, Near Shiv Mandir, Chhota
Bariyarpur, Motihari, Ps -Chhatauni District- East Champaran At Motihari

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Ashok Ram son of Late shivpujan Ram Resident of Village- Chhota
Bariyapur, Ps- Chhatauni, Dist- East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Karandeep Kumar , Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For informant	:	Mr. Ashok Kumar Sinha, Advocate
		Mr. Satish Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 22-01-2026 Heard learned counsel for the appellant, learned

Spl. Public Prosecutor appearing on behalf of the State and

learned counsel for the Respondent No. 2.

2. This appeal has been preferred on behalf of the
appellant for setting aside the order dated 25.09.2025
registered for the offences punishable under Sections 302, 120
(B) and 34 of IPC and Section 3(i)(r)(s) and 3(2)(va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for bail of the appellant has
been rejected.

- 3 . As per prosecution case , informant alleged that on



19.10.2021, grandson of the informant went outside the house to visit fair and thereafter, went missing. On 15.10.2021, informant got to know that one dead body was lying near the railway track in an abandoned position . Upon reaching , he saw the dead body of his grandson lying on the track . Informant suspects that all the accused persons named in the F.I.R. incouding these appellants killed the grandson of the informant as they had earlier threatened the deceased.

4. Learned counsel for the appellant submits that from bare persual of F.I.R., it is apparent that informant is not an eye witness to the alleged occurrence . Only suspicion has been raised against this appellant because earlier it is alleged that this appellant along with other co-accused persons, threatened the grandson of informant. During investigation , none of the witnesses claimed to have seen this appellant committing the alleged occurrence . Appellant claims clean antecedent. Appellant is in custody since 08.09.2025 .

5 . Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 oppose the bail application .

6. Considering the aforesaid facts, period of custody and circumstances of the case , let the appellant, as named above 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 the learned Special Court SC / ST, East Champaran at Motihari in connection with Town (Motihari) P.S. Case No. 628 of 2021.

7. Accordingly, the impugned order dated 25.09.2025 is set aside and this criminal appeal is allowed on the following conditions:

“(1) Appellant shall cooperate 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 .

(2) 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.”

(Prabhat Kumar Singh, J)

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