

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4511 of 2025

Arising Out of PS. Case No.-157 Year-2025 Thana- KHAGARIA District- Khagaria

Kishundev Yadav @ Kishun Yadav S/o- Chhotelal Yadav Village- Bari
Kothiya PS-Gangour District- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Punam Devi W/o- Mahgu Mochi @ Khonu R/v- Bari Kothiya W.No-2, Ps-
Gangour Dist-Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vivekanand Singh, Advocate
For the Resp. No. 2	:	Mr. Amit Prakash, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-04-2026 Heard Mr. Vivekanand Singh, learned counsel
appearing for the appellant, Mr. Amit Prakash, learned counsel
appearing on behalf of the Respondent No. 2 and Mrs. Usha
Kumari 1, learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 07.08.2025 passed by the learned Additional Sessions Judge First-cum-Special Judge (SC/ST), Khagaria in connection with Khagaria (Gangour) P.S. Case No. 157 of 2025, F.I.R. dated 15.05.2025 registered under Sections 103(1), 118(2), 303(2) of



the B.N.S., 2023 and Sections 3(2)(v) of the SC/ST Act.

3. The case relates to the murder of the husband of the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the Respondent No. 2 has filed the present F.I.R. merely on the basis of suspicion and she is not an eye witness of the alleged occurrence and even no one has seen the alleged occurrence and except the suspicion, no other cogent material has come during investigation to suggest the involvement of the appellant in the present occurrence. He further submits that the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 16.07.2025.

5. Learned Special Public Prosecutor for the State as well as learned counsel appearing on behalf of the Informant have vehemently opposed the prayer for bail of the appellant and submits that the appellant carries one more case of similar nature but fairly submits on the basis of paragraph-3 of the bail



petition that the appellant has been acquitted by the learned Court below itself.

6. Considering the facts and circumstances of the case, let the appellant, above named, 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 learned Additional Sessions Judge First cum Special Judge (SC/ST), Khagaria in connection with Khagaria (Gangour) P.S. Case No. 157 of 2025, with the following conditions :-

(1) Appellant shall co-operate 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 witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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