

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.38 of 2025

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

Sushil Kumar @ Chhotu Kumar Son of Ram Pratap Rai Resident of Village-
Bhagwatipur, Amaghata, P.S.- Sitmarhi, Distt.- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Marchhiya Devi Wife of Shiva Paswan Resident of Village- Amghata, Ward
No. 31, P.S.- Sitamarhi, Distt.- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vikash Kumar Jha, Adv.

For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 22-01-2026 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 25.11.2024 passed by learned Special Judge, SC/ST (POA) Act, Sitamarhi whereby the prayer for bail of the appellant in connection with Trial No. 118 of 2024 arising out of 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)(v) of SC/ST (POA) Act was rejected.

3. The case of the prosecution 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 the investigation, one Triveni has given his confessional statement, and in his confessional statement, he has stated that he, along with the appellant, has killed the deceased. He also submits that in this case, the trial is going on, and he has filed the deposition of a total of six witnesses. First of all, he has placed the deposition of PW-6, namely, Marchia Devi, who is the informant of this case. In her cross-examination, she has stated that the appellant did not have any role in the murder of her son. In the entire examination-in-chief, she has not named this appellant. He further submits that other witnesses have also not named the appellant. He further submits that the appellant has no criminal antecedent and he is languishing in judicial custody since



22.08.2024.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and submits that earlier the bail petition of the appellant had been rejected vide order dated 24.04.2025 by the learned coordinate bench in Cr. APP (SJ) No. 51 of 2025.

6. Having heard learned counsel for the parties and taking into consideration, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 25.11.2024 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Trial No. 118 of 2024 arising out of 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 Special Judge, SC/ST (POA) Act, Sitamarhi.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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