

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5028 of 2025

Arising Out of PS. Case No.-492 Year-2025 Thana- BARHARIA District- Siwan

Viresh Singh @ Biresh Kumar Singh son of Late Raja Ram Singh Resident of
Village -Narharpur PS- Barharia District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Baby Devi Wife of Sanjay Manjhi Resident of Village- Sheikhpura, PS-
Barharia, Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Madhumay Madhup, Advocate Mr. Nilabh Ranjan, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Rizwanul Jama Khan, Advocate Ms. Priyanka Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 07-04-2026 Heard learned counsel for the appellant, learned
Spl.P.P. for the State and learned counsel for the Informant.

2. This is an appeal under Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter referred to as the “SC/ST Act”) against the refusal
of prayer for bail vide order dated 26.11.2025 passed by the
learned Special Court, Siwan in connection with Barharia P.S.
Case No. 492 of 2025 registered for the offences punishable
under Sections 103(1), 61(2) & 3(5) of the Bharatiya Nyaya
Sanhita and under Sections 3(2)(v) of the SC/ST Act.

3. The case of the respondent, in short, is that one



Balindra Prasad @Nanaki has assaulted with hammer on the head of the husband of the informant due to which he succumbed to the injuries. In second part of the FIR it is stated that the petitioner along with others is the conspirator.

4. Learned counsel for the appellant submits that from perusal of the FIR itself it is clear that the main thrust of allegation is against Balindra Prasad and his name has been added in the last part of the FIR only due to political rivalry. It has further been submitted that appellant is a government teacher and he was present at his school. Learned counsel for the appellant has further submitted that annexure-P/2 is the biometric attendance sheet of the appellant which goes to show that the petitioner has entered in the school at 09:15 hrs and has exited from there at 16:00 hrs. Learned counsel for the appellant has submitted that save and except allegation that the appellant has conspired the death of the deceased, there is nothing against him. Learned counsel for the appellant has further submitted that appellant is having no criminal antecedent and he is in judicial custody since 25.09.2025.

5. Learned counsel for the respondent is present and has vehemently opposed the bail to the appellant and has submitted that the appellant is the master mind and he has made



available the hammer which is apparent from the diary.

6. In any view of the matter, main thrust of allegation is against Balindra Prasad.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 26.11.2025 passed by the learned Special Court, Siwan in connection with Barhariya P.S. Case No. 492 of 2025 is hereby set aside and the appellant above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Additional District & Sessions Judge-I-cum-Special Court, Siwan in connection with Barhariya P.S. Case No. 492 of 2025.

8. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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