

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4981 of 2025

Arising Out of PS. Case No.-238 Year-2025 Thana- KOILWAR District- Bhojpur

Girija Paswan @ Girija Kumar Paswan S/O Sipahi Paswan R/O Village-
Dhandiha Kulhariya, P.S.- Koilwar, District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Choti Devi W/O Guddu Rajak R/O Village- Kulhariya, P.S.- Koilwar,
District- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhukar Anand, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 19-03-2026 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the respondent.

2. The instant appeal has been filed by the appellant
against the order dated 22.11.2025 passed by learned 1st
Additional Sessions Judge-cum-Special Judge SC/ST Act,
Bhojpur at Ara whereby the prayer for bail of the appellant in
connection with Koilwar P.S. Case no. 238 of 2025 under
Sections 126(2), 115(2), 109 and 3(5) of BNS and Sections 3(1)
(r) (s) and 3(2) (v) of SC/ST (POA) Act was rejected.

3. The case of the prosecution is that the husband of
the respondent who was working in a brick-kiln in the name and



style of A.K.S. and that Rs. 1,50,000/- wages were due with the owner of the brick-kiln. The mother-in-law of the respondent received a call that some dispute is going on between the husband of the respondent and the Munsii of the brick-kiln. On this, she went to the brick-kiln with her brother-in-law Arjun and she saw her husband in subconscious position and has received head injury. It is further alleged that there was no one near the brick-kiln and as she went to meet the munsii, the door was closed from inside. She suspects that the appellant along with others has assaulted the respondent's husband as he was demanding his due wages.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Learned counsel has submitted that the occurrence is of 02.10.2025 whereas the FIR was lodged on 06.10.2025 and the delay is not explained. He has further submitted that from perusal of the injury report, it will transpire that the husband of the respondent has received four lacerated wounds on his head and there is hairline fracture in occipital region. Injury nos. 1, 2 and 3 are simple in nature and injury no. 4 is grievous in nature. The appellant himself belongs to the SC/ST community, as such, SC/ST Act is not attracted against him. It is apparent from the



FIR itself that nobody has seen the occurrence. In any view of the matter, the nature of allegation is general and omnibus. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 08.10.2025.

5. The appeal for bail is vehemently opposed by learned Spl. P.P. for the State and learned counsel for the respondent.

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 22.11.2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Koilwar P.S. Case No. 238 of 2025 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 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Bhojpur at Ara.

(Ashok Kumar Pandey, J)

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