

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.153 of 2025

Arising Out of PS. Case No.-112 Year-2024 Thana- Mufassil District- Khagaria

Chhotu Mishra @ Krishna Kanhiya S/O Late Manoj Mishra Resident Of
Village- Amni, P.S- Mansi, Distt.- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamta Kumari @ Mamta Devi W/O Late Rohit Ram R/O Village- Amni,
P.S- Mansi, Dist.- Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jai Kishor Poddar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 10-04-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. None appears on behalf
of the informant despite notice being validly served. Perused the
case diary.

2. The instant appeal has been filed by the appellant
against the order dated 09.12.2024 passed by learned Additional
Session Judge 1st cum Special Judge SC/ST Act, Khagaria
whereby the prayer for bail of the appellant in connection with
Muffasil P.S. Case No. 112 of 2024 under Sections 191(2),
191(3), 190, 103(1) of the BNS and Section 27 of the Arms Act
and Section 3(2v) of SC/ST Act was rejected.

3. The prosecution case, in short, is that all the accused



persons including the appellant attacked the informant and family members with firearms, abused and assaulted them by caste names. It is further alleged that co-accused Chhabila Yadav fired upon the informant's husband as a result of which he died.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is general and omnibus allegation against the appellant. The specific allegation of firing upon the deceased is against co-accused Chhabila Yadav. The only allegation against the appellant is that he assaulted one Ranbir Ram but, as a matter of fact, no injury has been caused to him. Learned counsel for the appellant further submitted that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 10.09.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant, stating that the all the accused persons including the appellant committed



the murder of the deceased. Learned SPP further submitted that prayer of the co-accused persons for grant of bail has already been rejected by a coordinate Bench of this Court vide order dated 19.03.2025 passed in Cr. Appeal (SJ) No. 5559 of 2024.

6. Considering the aforesaid facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the present appeal is dismissed.

8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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