

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.383 of 2025**

Arising Out of PS. Case No.-235 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Rahul Mental @ Rahul Kumar Son of Kamlesh Yadav Resident of Village-
Shodhar Bigha, P.S.- Bodhgaya, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Viswakarma Son of Mushari Mistri Resident of Village- Kendua, P.S.-
Magadh Medical, Distt.- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Priya Ranjan, Adv.
For the State : Mrs.Usha Kumari 1, Special P.P.

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 25-07-2025 Heard learned counsel for the appellant and the
learned counsel for the informant.

2. This appeal has been preferred on behalf of the
appellant under Section 14-A (2) of the SC & ST (Prevention of
Atrocities) Act for setting aside the order dated 12.01.2022 in
connection with Magadh Medical P.S. Case No. 235 of 2021,
registered for the offences punishable under Sections 302 and
120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act
and Section 3(2)(v) of the SC and ST (Prevention of Atrocities)
Act, whereby the prayer for bail of the appellant has been
rejected.

3. The informant of this case is Vijay Vishwakarma.
He mentioned in the FIR that on 03.09.2021 at about 6-6.30



p.m. his son Raja Kumar 18 years old with his friend Sintu Kumar was going and when they reached near a bridge, co-accused Gore Babu, Aman Paswan, Bigesh Yadav and Rahul Mental (the appellant) were already sitting there. Co-accused Gore Babu called his son and after catching hold of his hand, he took him off the road where co-accused Aman Paswan caught hold of the deceased (son of the informant) and Gore Babu fired shot with a pistol on his person. Thereafter, they fled away therefrom. During the course of treatment, his son died.

4. It is pertinent to mention here that this Court by order dated 19.05.2023 passed in Cr. Appeal (SJ) No. 539 of 2022, though the appellant was allowed bail but the learned trial court was directed to conduct an inquiry and if in course of inquiry, in video clip it is found that the deceased had taken the name of the appellant, the bail bond shall not be accepted.

5. In compliance of the order dated 19.05.2023 passed by this Court, the trial court conducted an inquiry and it came to light that in the video clip, the deceased was found taking name of the appellant. The relevant portion of the order dated 30.11.2024 passed by the learned court below is extracted hereinbelow:-

“Though, as per the direction of the Hon’ble High Court, this Court conducted inquiry



going through the material on record and examination of videoclip of the compact disk attached with record, which reflects that the deceased has named the accused Rahul Mental as one of the assailants as mentioned in case diary Para nos. 29 and 30.”

“ On perusal of Para nos. 29 and 30 of the case diary, it also appears that the witness Jitendra Kumar and Deepak Kumar have stated that on hearing the sound of fire-arm, they rushed there, where the injured was writhing. The injured was taken to the hospital. Before his death, the injured told that accused Anish Kumar @ Gore Babu, Aman Kumar, Vigesb Yadav and Raulh Yadav @ Rahul Mental have shot him thereafter, he became unconscious. The witnesses had recorded the video clip of the version of the injured which was given to the IO in form of C.D.”

6. Learned counsel for respondent no. 2 submits that by order dated 29.04.2024 passed in S.L.P (Cr.) Diary No(s). 13797 of 2024 in paragraphs 3 and 4, the Hon'ble Supreme Court has also observed as follows:- “(3) *We are not inclined to entertain the present petitions. The special leave petitions are, accordingly, dismissed. (4) However, if in the video clip any specific role is found to be played by respondent no. 2 herein, the petitioner would be at liberty to apply for cancellation of bail either before the learned Sessions Judge or the learned High Court.*”



7. In view of the aforesaid facts and circumstances, I am of the opinion that the trial court has rightly appreciated the direction of this Court as well as of the Hon’ble Apex Court and consequently, cancelled the bail bond of the present appellant.

8. Accordingly, the appeal is dismissed.

(Nawneet Kumar Pandey, J)

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