

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.566 of 2025

Arising Out of PS. Case No.-187 Year-2024 Thana- AAJAM NAGAR District- Katihar

Deepak Rishi S/o- Marwari Rishi R/o- Jhilipara Mushar Toli Ps- Azam Nagar
Dist- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi W/o- Raj Kumar Rajak R/o- Palsa Ps- Azam Nagar Dist-
Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajit Kumar Singh, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, SPP

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

ORAL ORDER

6 14-10-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. No one appears on
behalf of the respondent no.2. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 12-09-2024 passed by learned ADJ-I-
cum-Special Judge, SC/ST, Act, Katihar whereby the prayer for
bail of the appellant in connection with Azam Nagar PS Case
No. 187 of 2024 under Sections 302, 120(B) & 34 of the Indian
Penal Code (for short 'IPC') and Section 3(2)(v) of SC/ST Act
was rejected.

3. Prosecution case, in short, is that on 13.05.2024,
Informant's husband was found murdered near *Kali Mandir*



with his intestines protruding. She alleged the murder was due to a land dispute involving 17 decimals she bought, which Saiful and Md. Tanweer repeatedly tried to grab by threatening her. She also faced threats over another 15.3-decimal plot purchased from Salauddin.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Appellant is not named in the FIR. The name of the appellant has transpired on the basis of confessional statement of co-accused, namely, Dilip Rishi, Deepak Rishi (appellant) and Shankar Sharma recorded before the police which has got no evidentiary value in the eye of law. There is no eye witness to the occurrence. Learned counsel for the appellant submits that appellant in his confessional statement has stated that in order to remove the husband of the informant, it was Deepak Rishi, who gave dagger blow in the stomach of deceased, due to which he succumbed to his injuries. Learned counsel for the appellant further submits 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 17-05-2024 and has no criminal antecedent. It is further submitted that the co-accused Dilip Rishi has already been granted bail by this Court vide order dated 01.07.2025 passed in Cr. Appeal (SJ) No. 278 of 2025.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently contended that from perusal of the confessional statement of co-accused, including the appellant, it would manifest that there was illicit relationship of deceased Raj Kumar Rajak with the wife of Deepak Rishi (appellant) and it was appellant who inflicted knife blow upon the Raj Kumar Rajak (deceased).

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also there being direct and specific allegation against the appellant, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the appeal stands dismissed.

8. The learned court below to expedite the trial and conclude the same expeditiously preferably within a period of six months from today. If the trial is not concluded within the aforesaid period of six months, the appellant will be at liberty to



move before the learned court below with a prayer for bail.

9. Interlocutory application, if any, also stands disposed of.

(Rudra Prakash Mishra, J)

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