

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.587 of 2025

Arising Out of PS. Case No.-575 Year-2024 Thana- BIDUPUR District- Vaishali

Dhiraj Kumar Son of Kishan Dev Ray @ Krishana Dev Ray Resident of
Dhamaun, P.S. - Patori, District - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Awadhesh Bhagat Son of Late Yadu Bhagat Resident of Village - Khajwatta,
P.O. - Chaksikandar Ward No.13, P.S. - Bidupur, District - Vaishali, Bihar,
India. Mob. No. 9155304816

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dilip Kumar Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, SPP

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

ORAL ORDER

4 08-05-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 24.01.2025 passed by learned Exclusive Special Judge (SC/ST) Act -cum- Additional Sessions Judge, Vaishali at Hajipur whereby the prayer for bail of the appellant in connection with Bidupur P.S. Case No. 575 of 2024 under Sections 103(1), 3(5) of the B.N.S., 2023 and Sections 3(2)(v) of SC/ST Act and later on added Section 27 of the Arms Act, was rejected.



3. As per prosecution case, some unknown miscreants fired bullet in the chest of the Informant's son namely Bipin Kumar due to which he died at the spot.

4. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case with false and frivolous allegations and merely on the basis of suspicion. The appellant is not named in the F.I.R. and his name has transpired in this case in course of investigation on the basis of the confessional statement of the co-accused. There is no eye-witness to the alleged occurrence. Even the Informant is not the eye-witness to the alleged occurrence. There is no direct or specific allegation of any overt act against the appellant rather the same is general and omnibus in nature. The specific allegation of firing upon the deceased is against the co-accused Pawan Kumar. The postmortem report shows the reason of the death of the deceased due to syncope leading from hemorrhage and lacerstion lungs and heart and, thus, the postmortem report does not support the prosecution case. He further submits that nothing incriminating has been recovered from the conscious possession of the appellant. The appellant has two criminal antecedents in which he is on bail. The appellant was arrested on 30.09.2024 in connection with



Bidupur P.S. Case No. 610 of 2024 and was remanded to judicial custody and from there he has been remanded in this case on 26.11.2024 and, since then, he is in judicial custody without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant, stating that the offence alleged against the appellant is serious in nature. Though the appellant is not named in the F.I.R. but, his complicity in the alleged occurrence has come in the confessional statement of the co-accused Sarwan Kumar. The appellant has also confessed his guilt of being involved in the alleged occurrence. The postmortem report supports the prosecution case.

6. Having heard learned counsel for the parties and taking to into account the nature and gravity of the offence as alleged against the appellant, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the appeal stands dismissed with a direction to 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
renew his prayer for bail before the court below which will be
decided on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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