

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1122 of 2025

Arising Out of PS. Case No.-148 Year-2024 Thana- GWALPARA District- Madhepura

Kalim Miya @ Md. Kalim Khan @ Md. Kalim S/o- Late Md. Garbhu Khan
@ Gabru Khan Village- Gwalpara Bazar W.No- 6, Ps- Gwalpara Dist-
Madhepura

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Binod Kumar S/o- Visho Rajak Village- Fulwariya Ps- Gwalpara Dist-
Madhepura
3. Visho Rajak S/o- Late Jago Rajak Village- Fulwariya Ps- Gwalpara Dist-
Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Nafisu Zzoha, Adv
For the Respondent/s	:	Mr.Binay Krishna, Sp.P.P
For the informant	:	Mr. Pawan Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-07-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer of bail of
the appellant vide order dated 14.02.2025 passed by the learned
District & Additional Sessions Judge 1st-cum-Special Judge,
SC/ST (PoA) Act, Madhepura in Gwalpara P.S. Case No. 148 of
2024 dated 08.09.2023 registered for the alleged offences
punishable under Sections 126, 127(2), 103(1), 109 read with



Section 3(5) of the B.N.S., Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (PoA) Act.

3. As per the prosecution case, on 05.08.2024 at 9.15 A.M. when the informant was going to school on his motorcycle then two persons overtook him by a splendor motorcycle and intercepted him. The pillion rider got down quickly from the motorcycle and took out his pistol with the intention of killing him and fired on him. The bullet hit on the informant's right side of the stomach and exited from the back and he ran towards the village. Thereafter, the villagers gathered there then the accused persons fled away from the spot.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The appellant is not named in the F.I.R. The name of the appellant has sprung up in the confessional statement of the co-accused, Manish Thakur. There is nothing against the appellant except the confessional statement. There is no direct allegation against the appellant. The appellant is only a mediator. It is further submitted that there is no allegation of abusing against the appellant and hence, no offence under SC/ST Act is made out against the appellant. The appellant is in custody since



24.11.2024. The appellant has six criminal antecedents and he is acquitted in one case as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant As per the post-mortem report mentioned in the impugned order, the cause of death is firearm injury. As per para 81 and 84 of the case diary, the witnesses namely, Shivam Kumar and Manish Thakur have confessed that they heard the discussion of the co-accused Roushan Kumar and Anil Kumar Bharti about killing Vinod Master for which Rs. 1.5 lakh have to be paid. It is further submitted that when the deceased was going to school, in the meantime, the co-accused persons, Anil Kumar Bharti and Roushan Kumar informed Kalim Miyan in the way, Shivam Mandal, Raju and Sanjeep fired on him and in the course of treatment, he died. Further, in para-84 of the case diary, there is Manish Thakur's confessional statement in which he has stated that the deceased was murdered under a conspiracy and stated that the money was given to the co-accused to commit the murder. In which Manish Thakur has stated that a deal was fixed with Kaleem Miyan to kill Binod Master for one lakh fifty thousand rupees and it is mentioned that Kaleem Miyan went to



Phulwari and took one lakh rupees from Anil Kumar Bharti and Roshan Kumar. The regular bail of the co-accused has been rejected by this Court vide order dated 15.05.2025 passed in Cr. Appeal (S.J.) No. 1156/2025.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 14.02.2025 passed by the learned District & Additional Sessions Judge 1st-cum-Special Judge, SC/ST (PoA) Act, Madhepura in connection with Gwalpara P.S. Case No. 148 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to conclude the trial of the appellant at the earliest.

(Chandra Prakash Singh, J)

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