

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1353 of 2025

Arising Out of PS. Case No.-889 Year-2024 Thana- PIRBAHOR District- Patna

Nikhil Gupta S/O Vinod Gupta At present R/O House of Swarnlata Devi Near
R.G.S. Apartment, Manpura, Rajapul , Beside Gate No.-28, P.S.- S.K.Puri,
Dist.-Patna

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Sangeet Devi W/O Vinay Kumar Das R/O Lunduru, P.O.- Deokuli, P.S.-
Ichak, Dist.- Hazaribagh, Jharkhand.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Advocate
	:	Mr. Kumar Praveen, Advocate
	:	Mr. Kumar Rajdeep, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Om Prakash Singh, Advocate

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

ORAL ORDER

5 31-07-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 10.03.2025 passed by learned Exclusive
Special Judge, SC/ST Act, Civil Court (Sadar), Patna whereby
the prayer for bail of the appellant in connection with Serial
Case No. 542 of 2024 arising out of Pirbahore P.S. Case No. 889
of 2024 under Sections 126(2), 103(1), 3(5) of the BNS and
Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(v) of



SC/ST Act was rejected.

3. The prosecution case, in short, is that the accused Monu and one unknown person, due to business rivalry, committed the murder of Vinay Kumar Das by firing upon him near PMCH, Patna.

4. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. appellant is not named in the F.I.R. The name of the appellant transpired in this case on the basis of confessional statement of the co-accused Aman Kumar. Learned counsel further submitted that initially, FIR was lodged only against 2 persons but in course of investigation altogether 7 persons were arrested by the police. Learned counsel further submitted that in course of investigation, the pistol used in the alleged offence has been recovered from the appellant on the basis of disclosure made by the co-accused Aman Kumar. Learned counsel further contended that co-accused Aman Kumar has stated before the police that after the alleged occurrence, he gave the pistol to the appellant and this appellant was not involved in the commission of murder of the deceased. 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 22.02.2025 and has one criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant stating that the accused persons including the appellant committed the murder of the deceased.

6. Considering the aforesaid facts and circumstances of the case, there being no cogent material against the appellant to show his involvement in the alleged offence and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 10.03.2025 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Serial Case No. 542 of 2024 arising out of Pirbahore P.S. Case No. 889 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Serial Case No. 542 of 2024 arising out of Pirbahore P.S. Case No. 889 of 2024,



subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(III) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail

(IV) Appellant shall not leave the territorial jurisdiction of the learned court below without taking its prior permission. If appellant violates any condition/s, the prosecution will be at liberty to move for cancellation of bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

