

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1968 of 2025

Arising Out of PS. Case No.-221 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

Siraj Kumar S/o Lallan Singh R/o Village- Dulhara, P.S.- Chainpur, District- Kaimur at Bhabua

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Pushpa Devi W/o Late Ravi Ram R/o Village- Betari, P.S.- Bhabua, District- Kaimur at Bhabua

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2005 of 2025

Arising Out of PS. Case No.-221 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

Golu Kumar S/O Jitendra Kumar Singh @ Jitan Singh R/O Village-Dulahara, P.S- Chainpur, Distt.- Kaimur at Bhabua.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Pusha Devi S/O Late Ravi Ram R/O Village- Betari, P.S- Bhabua, Dist.- Kaimur At Bhabua.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1968 of 2025)

For the Appellant/s : Mr.Tribhuwan Narayan

For the Respondent/s : Mr.Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 2005 of 2025)

For the Appellant/s : Mr.Tribhuwan Narayan

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 12-09-2025 1. Heard the parties.

2. Since both the aforesaid bail applications arise out of the same F.I.R., as such, both are taken up together and are being disposed of by this common order.



3. An order dated 30.04.2025 passed by Addl. District & Sessions Judge -1st cum Special Judge , Kaimur at Bhabua in connection with Sessions Trial No. 41 of 2024 arising out of Chainpur P.S. Case No. 221 of 2023 dt: 26.07.2023 registered for the offence under section 302, 201 I.P.C.; charge sheet submitted under Section 302, 201, 34 I.P.C. and Section 3(2)(V) of the SC/ ST Act is under challenge in the present appeal preferred under Section 14-A(2) of the SC / ST Act whereby regular bail application of the appellants has been rejected.

4. This is second attempt for regular bail on behalf of the appellants inasmuch as their prayer for bail was earlier dismissed by this court vide order dt: 13.09.2024 passed in Cr. Misc. Nos. 41177 of 2024 & 40098 of 2024 respectively.

5. The prosecution case as per the First Information Report is that on 25.07.2023 in the night the informant's husband (deceased) received a call for booking of his auto and after that he left his home with the auto. After an hour when the informant tried to call the deceased on his mobile phone she got no response. On 26.07.2023 the husband of the informant was found killed and his dead body was lying near canal road. His auto was also standing there. The informant alleged that Manju Devi had illicit relations with her husband and she has commit-



ted murder of her husband along with other accused persons.
The appellants are in custody since 30.03.2024.

6. Mr. Tribhuwan Narayan, learned counsel for the appellants in both the cases submits that appellants are innocent and have falsely been implicated in this case on the basis of suspicion only and there is no eye witness to the alleged occurrence. He further submits that the appellants are not named in the F.I.R. He further submits that name of the appellants has surfaced during investigation in the confessional statement of the co-accused / Manju Devi. He further submits that during course of investigation no cogent material has come against the appellants to connect them with the present offence.

7. On the other hand, learned counsel for the informant as well as State vehemently opposed the prayer for bail and submits that on the date of occurrence the CDR of the mobile of the appellants and the deceased were showing similar location for a long period of time. In paragraph 49 of the case diary independent witness has stated that the husband of Manju Devi told the witness that the deceased used to come to her house. He further submits that one Santosh Kumar was apprehended by the police and he not only confessed his guilt but also disclosed the commission of murder of the deceased in detail.



8. This court vide order dt: 20.06.2025 has called for a report from the trial court regarding the present stage of the trial and in pursuance thereof learned Additional Sessions Judge 1st cum Special Judge, Kaimur at Bhabhua has furnished the report vide letter no. 35 dated 04.07.2025. From perusal of the report it appears that out of eight prosecution witnesses, seven witnesses have already been examined and cross-examined including the informant and 2nd I.O. however 1st I.O. of the case is still to be examined. Learned Addl. Sessions Judge 1st – cum – Special Judge, Kaimur at Bhabhua has stated that approximately six months time will be required to conclude the trial if both sides co-operate in the trial.

9. It is both legal and moral obligation to handle particularly grave crimes differently from ordinary ones, especially when the crime appears to be premeditated. Treating such cases with indifference would be a grave injustice as it would risk allowing dangerous individuals to harm society and its law abiding members. In a situation like this, if the evidence collected by the prosecution indicates that there are reasonable grounds to believe that the accused persons have committed crime punishable by death or life imprisonment, the likelihood of granting bail diminishes significantly.



10. Regard being had to the submissions made by the parties taking into consideration the seriousness of offence of cold blooded murder, CDR of the appellants, the confessional statement of the co-accused giving vivid picture of the commission of murder raising strong suspicion against the appellants and the fact that seven witnesses have already been examined and cross-examined out of eight prosecution witnesses, accordingly, I am not inclined to grant regular bail to the appellants. Accordingly, these applications stand dismissed.

11. However, if the trial does not conclude within six months, the appellants would be at liberty to renew their prayer for bail.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

