

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2137 of 2025

Arising Out of PS. Case No.-688 Year-2024 Thana- DAUDNAGAR District- Aurangabad

Prince Kumar S/o- Late Sidheshwar Yadav Resident of Village- Chouri, Ward
No. 07, P.S.- Daudnagar, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Durga Choudhary S/o- Munarik Choudhary Resident of Village- Chouri,
Ward No. 08, P.S.- Daudnagar, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binod Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Dharam Shila Kumari, Advocate

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

ORAL ORDER

3 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 07.04.2025 passed by learned ADJ-1st
Aurangabad whereby the prayer for bail of the appellant in
connection with Daudnagar P.S. Case No. 688 of 2024 under
Sections 103(1), 238(a) of the BNS and Sections 3(2)(v) of
SC/ST Act was rejected.

3. The prosecution case, in short, is that the appellant
was last seen with the informant's son and had earlier threatened
his cousin; next morning, the deceased was found dead with a



firearm injury on the back of his head. Informant suspects that this appellant has committed the murder of the deceased.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is no eye witness to the occurrence and the name of the appellant has transpired in this case on the basis of suspicion. Learned counsel further submitted that except suspicion, there is no material against the appellant to prove his involvement in the alleged offence. 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 30.10.2024 and has two criminal antecedents.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant. Learned SPP further submitted that as per the material available in the case diary, there is recovery of *katta* used in the commission of the murder of the deceased at the instance of the appellant and therefore, the appellant does not deserve to be released on bail.



6. Considering the aforesaid facts and circumstances of the case as also there being sufficient material against the appellant in the case diary, this Court is not inclined to grant bail to the appellant at this stage.

7. Accordingly, the present appeal is dismissed.

8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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