

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2246 of 2025**

Arising Out of PS. Case No.-180 Year-2024 Thana- BUXAR District- Buxar

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Bishmilla Khan @ Bismilla Khan Son of Haidar Ali Resident of Village-  
Shantinagar Chinimil , P.S- Buxar (T), Dist- Buxar

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Rina Devi Wife of Late Shashibhusan Ram Resident of muhalla-  
Shantinagar Bus Stand , P.S Buxar (T), Dist -Buxar

... .. Respondent/s

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**Appearance :**

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|----------------------|---|------------------------------|
| For the Appellant/s  | : | Mr.Dr.Kamal Deo Sharma, Adv. |
| For the Respondent/s | : | Arun Kumar Gupta, Adv.       |
| For the State        | : | Mr.Sadanand Paswan, Spl.PP   |

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

ORAL ORDER

3      07-08-2025                      Heard learned counsel for the appellant, learned  
counsel for the respondent no. 2 and learned Special Public  
Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 (hereinafter in short referred to as the  
SC/ST Act) against the refusal of prayer of bail vide order dated  
06.05.2025, passed by the learned District & Additional  
Sessions Judge-I- Cum-Special Judge, (SC/ST Act), Buxar, in  
connection with SC/ST Case No. 50/2024 arising out of Buxar  
Town P.S. Case No. 180 of 2024 dated 27.03.2024 registered for  
the offences punishable under Section 302 read with Section 34



of the I.P.C., Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, on 26.03.2024 at 10.00 P.M., due to non-fulfillment of demand of ransom, on the eve of Holi, Shashi Yadav, Atal Yadav and Bismillah Khan (appellant) took the informant's husband, namely, Shashi Bhushan, from his house for a party and thereafter they committed his murder. It is further alleged that in the said party, the other co-accused persons, namely, Pradeep Rajbhar, Ranjan Chauhan, Birendra Ram, Manoj Lathur, Lallu Kamkar, Sanjay Rawat, Priyanka Devi and Shree Bhagwan Ram were also involved. It is further alleged that the informant started searching for her husband and in course of search, through the women of the village who were going for call of nature, the informant came to know that the dead body of some one was lying under the Railway Line Over Bridge. When the informant went to the spot, she saw the dead body of her husband.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. It is further submitted that it is a case of last seen. The charge sheet has been submitted in the present case against the appellant. The appellant has no concern with the



alleged offence. No member of public was present at the relevant point time of the alleged incident. Hence, no offence under SC/ST Act is made out against the appellant. It is further submitted that the other co-accused person, namely, Pradeep Rajbhar has already been granted bail by a Bench of this Court Cr. Appeal (SJ) No. 4594 of 2024 under order dated 17.04.2025. The appellant has three criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 28.12.2024.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have vehemently opposed the prayer of bail of the appellant. Learned counsel for the respondent no. 2 has further submitted that the appellant and other co-accused persons took the informant's husband in a party on the eve of Holi and committed his murder and it is also case of last seen theory. It is further submitted that the several witnesses have also supported the allegation made in the F.I.R. It is further submitted that in paragraph no. 44 of the case diary, it has been mentioned that the cause of death is haemorrhage and shock due to firearm injury and the time since death: between 6 to 24 hours. The bail application of the other co-accused person namely, Atal Yadav was earlier rejected by this court vide order



dated 08.05.2025 passed in Cr. Appeal (SJ) No. 866 of 2025.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the respondent no. 2, this Court is not inclined to set aside the order dated 06.05.2025, passed by the learned District & Additional Sessions Judge-I- Cum-Special Judge, (SC/ST Act), Buxar, in connection with SC/ST Case No. 50/2024 arising out of Buxar Town P.S. Case No. 180 of 2024 and the same is rejected.

7. Accordingly, the present criminal appeal stands rejected.

8. The learned court below is directed to expedite the trial of the appellant and conclude the same at the earliest.

**(Chandra Prakash Singh, J)**

Gautam/-

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