

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2242 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- PRATAPGANJ District- Supaul

Md Kalam @ Md Kalaam S/o Late Md. Sakun R/o Village- Bhawanipur,
Dakshin, P.S- Pratapganj, Dist- Supaul , Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Geeta Devi W/o Late Dinesh Marik R/o Village- Bhawanipur, Dakshin, Ward no- 13, P.S- Pratapganj, Dist- Supaul , Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kuldeep Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari 1, SPP

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

ORAL ORDER

6 16-10-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 29.04.2025 passed by learned Additional Sessions Judge-cum-Special Judge-SC/ST (PoA), Supaul whereby the prayer for bail of the appellant in connection with Pratapganj P.S. Case No. 56 of 2025, under Sections 103(1), 118(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 3(1)(r), 3(1)(s) and 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that the appellant along with other co-accused persons have allegedly murdered



the informant's husband by way of severing his neck.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that no specific allegation has been attributed against the appellant rather the same is general and omnibus in nature. There is delay of two days in lodging the FIR. Learned counsel for the appellant further submits 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 20.03.2025 and has got no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant and submits that there is specific allegation regarding commission of heinous offence against the appellant. It is further submitted that post-mortem report of the deceased also corroborates with the prosecution case. The informant in her re-statement in paragraph no. 4 of the case diary and other witnesses in their respective statements in paragraph nos. 9, 10, 13, 26, 27, 28, 29 and 30



have also supported that factum of occurrence and involvement of accused petitioner therein. Hence, the appellant does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, specific allegation as also nature and gravity of the offence, this Court is not inclined to grant bail to the appellant at this juncture.

7. Accordingly, the appeal stands dismissed. The trial Court is directed to expedite the trial expeditiously. However, if the trial is not concluded within a period of six months from the date of receipt/production, the appellant will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

Rajorshi/-

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