

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2852 of 2025

Arising Out of PS. Case No.-171 Year-2024 Thana- YADOPUR District- Gopalganj

Raushan Kumar S/O Ram Kumar Singh R/O Village- Hariharpur, P.S-
Jadopur, Distt.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Akash Kumar S/o Jan Bahadur Singh Resident of Village- Jadopur, P.S.-
Jadopur, District- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anirudhh Kumar Verma, Advocate
	:	Mr. Vyas Kumar Mishra, Advocate
For the Respondent/s	:	Mrs. Usha Kumari I, SPP
For the Informant	:	Mr. Mazharul Hassan, Advocate

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

ORAL ORDER

4 17-11-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

2. The instant appeal has been filed by the appellant
against the order dated 04.06.2025 passed by learned Additional
Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act,
Gopalganj whereby the prayer for bail of the appellant in
connection with Jadopur P.S. Case No. 171 of 2024 under
Sections 126(2), 115, 118(2), 109(3) of the Bharatiya Nyaya
Sanhita, 2023 as also Sections 103(1) of the Bharatiya Nyaya
Sanhita, 2023, Section 3(i)(r)(s), 3(2)(va) of SC/ST Act was



rejected.

3. The prosecution case, in short, is that the informant and two others were intercepted by five accused persons, where Raushan Kumar (appellant herein) pointed a pistol and the others brutally assaulted them with intent to kill. It is alleged that Bittu Kumar sustained serious chest and abdomen injuries and later on died.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view and 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 20.11.2024 and has no 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. Learned counsel for the informant further submitted that out of nine charge-sheeted witnesses, eight witnesses have been examined and trial is on the verge of conclusion. Learned APP for the State relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC OnLine SC 3539 (X. vs. State of**



Rajasthan & Anr.), wherein in paragraph no. 14, the Hon'ble Apex Court has held as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court, be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

6. Considering the aforesaid facts and circumstances of the case as also the present stage of trial, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the present appeal is dismissed.

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

9. However, liberty is granted to the appellant to renew his prayer for bail before the learned court below itself if the trial is not concluded within one month from today.

(Rudra Prakash Mishra, J)

Alok Verma/-

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