

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3270 of 2025

Arising Out of PS. Case No.-915 Year-2024 Thana- ALAMGANJ District- Patna

Piyush Kumar son of Prakash Choudhary Resident of village- Dadar Mandi,
Gulzarbagh, Ps- Alamganj, Dist- patna

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Sunny Kumar son of Mahesh Ravidas Resident of Village- Belwarganj, Ps-
Alamganj, dist- Patna

... .. Respondent/s

Appearance :		
For the Appellant/s	:	Mr. Akash Kumar Mishra, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 16-10-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State, learned counsel for the

informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 16.07.2025 passed by learned Exclusive
Special Judge, SC/ST Act, Civil Court (Sadar), Patna whereby
the prayer for bail of the appellant in connection with Alamganj
P.S. Case No. 915 of 2024 under Sections 118(2), 109, 103, 3(5)
of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of
SC/ST Act was rejected.

3. Prosecution case, in short, is that the appellant



along with other co-accused persons unanimously assaulted brother of the informant and his friends by means of chopper due to which the deceased received head and neck injuries.

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 the appellant is not named in the FIR. Name of the appellant has transpired in this case in this case on the basis of confession made by other co-accused person and the same has got no evidentiary value. the allegation levelled against the appellant is not specific rather the same is general and omnibus in nature. It is next submitted that during investigation, it has come out that the co-accused, namely, Guddu Kumar, with whom the appellant has prior inimical relations has tried to falsely implicate the appellant in the alleged occurrence in connivance with other interested parties. There is no recovery of any weapon or incriminating article from the possession of the appellant. 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 23.10.2024 and has got no criminal antecedent. other co-accused has been granted regular bail by this Court vide order dated 27.03.2025 passed in Cr. Appeal (S.J.) No. 5393 of 2024.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant and submits that the appellant is not named in the FIR but his name has transpired in course of investigation and co-accused of this case has taken the name of the appellant as participant in the alleged offence wherein the appellant has inflicted with knife and chopper to informant's brother. It is further submitted that the witnesses have supported the prosecution case as also post-mortem report of the deceased also corroborates with the prosecution case. 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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