

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3876 of 2025

Arising Out of PS. Case No.-294 Year-2025 Thana- DEEPNAGAR District- Nalanda

1. Minta Devi W/o Navlesh Mahto @ Naulesh kumar R/o Village- Dumrawan, PS- Deepnagar, Nalanda, Bihar
2. Aadesh Kumar @ Aadesh Prasad S/o Karan Prasad R/o vill - Dhalkathi, House no. 226, P.O. - Birwadi, P.S.- Mahar, Raigarh, Maharashtra, Presently residing at vill - Dumrawan, P.S.- Deepnagar, Nalanda, Bihar village-gangpar,P.S-Barbigha,Dist.-sheikhpura,Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi W/o Om Prakash Paswan R/o vill - Dumrawan, P.S. - Deepnagar, Distt.- Nalanda, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Basant Kumar Singh, Advocate Mr. Rishav Dev, Advocate Mr. Vishesh Kumar Singh, Advocate
For the State	:	Ms. Usha Kumari 1, APP
For the Informant	:	Mr. Rajesh Kumar Chaudhary, Adv

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 16-12-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellants against the order dated 05.08.2025 passed by learned Additional Sessions Judge-VIth-cum-Special Judge SC/ST (POA) Act,



Biharsharif at Nalanda whereby the prayer for bail of the appellants in connection with Deep Nagar P.S. Case No. 294 of 2025 under Sections 190, 191(2), 191(3), 126(2), 103(1) & 61(2) of the Bharatiya Nyaya Sanhita, 2023, read with Section 27 of the Arms Act and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Act was rejected. Later on Sections 25(1-B)(a), 26, 35 of the Arms Act were added.

3. Prosecution case, in short, is that the appellants along with other co-accused persons attacked and abused the informant, and shot dead the deceased persons namely Himanshu Kumar and Anu Kumari.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellants also submits no specific allegation has been attributed against the appellants rather the same is general and omnibus in nature. There is no allegation of assault on the appellants rather they are only members of the mob. It is next submitted that specific allegation of firing is levelled against co-accused Kaushal Kumar and Prashant Kumar. Learned counsel for the appellants further submits that the appellants have 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 them. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 08.07.2025 and have got 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 appellants and submits that there is specific allegation against the appellants of being involved in the alleged crime with other co-accused persons. It is further submitted that on perusal of case diary, it transpires that witnesses have supported the prosecution case in paragraph nos. 12, 20, 21, 63, 64, 65, 66 and 67. Hence, the appellants do not deserve the privilege of bail. It is fervently submitted that appeal of similarly situated co-accused person has been dismissed by this Court vide order dated 20.11.2025, passed in Cr. Appeal (SJ) No. 3746 of 2025.

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

7. Accordingly, the appeal stands dismissed. The trial Court is directed to expedite the Trial. However, if the trial is not concluded within a period of six months from the date of



receipt/production, the appellants will have liberty to renew
their prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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