

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.65 of 2026

Arising Out of PS. Case No.-694 Year-2025 Thana- HAJIPUR SADAR District- Vaishali

Rahul Kumar S/O Basawan Ray R/O Village- Laxman Nagar, PS- Gaighat,
Distt- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Dewenti Devi W/O Dilip Paswan R/O Village-Shawajpur Patwa, PS-
Kajipur, Distt- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ganesh Prasad Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-06-2026 Despite validly served notice, no one appears on
behalf of the Respondent No. 2.

2. Heard Mr. Ganesh Prasad Singh, learned counsel
for the appellant as well as Mr. Binay Krishna learned Spl.P.P.
for the State.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 09.12.2025
passed by the learned Court of Exclusive Special Judge (SC/ST)
Act, Vaishali at Hajipur in connection with Hajipur Sadar P.S.
Case No. 694 of 2025, F.I.R. dated 31.08.2025 registered under
Sections 103 and 3(5) of the BNS, 2023 and Sections 3(1) (r), 3
(1) (s) of the Scheduled Castes and Scheduled Tribes Act



(Prevention of Atrocities) Act.

4. According to the prosecution case, co-accused Md. Anwar along with Md. Aslam have killed the husband of the informant due to petty dispute.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. Initially the appellant was not named in the FIR and his name has been transpired during investigation on the basis of confessional statement of the co-accused persons as well as upon the fact that the appellant himself confessed his guilt in the present case. He further submits that from perusal of the confessional statement of the appellant it suggest that there is no specific allegation against him and he has not participated in the present crime in question. He is the driver of the co-accused Md. Anwar so he was also present at the place of occurrence. He further submits that the specific allegation is against the co-accused Md. Anwar that he has assaulted to the deceased by means of iron rod due to which the deceased died at the spot. He further submits that except the aforesaid, nothing has come during investigation which suggest the involvement of the petitioner in the present occurrence. He further submits that the police, after investigation, submitted



charge sheet against the appellant. The appellant is in custody since 07.09.2025.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that from perusal of paragraph no. 58 of the case diary it appears that the appellant has confessed his guilt in the present occurrence but fairly submits that it also appears from the aforesaid that the appellant has not participated in the present occurrence.

7. Considering the aforesaid facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge (SC/ST) Act, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 694 of 2025, with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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