

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3355 of 2025

Arising Out of PS. Case No.-406 Year-2023 Thana- MASAUDHI District- Patna

Rahul Kumar Son of Khushi Lal Soni @ Khushi Lal @ Khushilal Sah
Resident of village - Saraiya Bazar, P.S.- Barhara (Krishna Garh O.P.),
District - Bhojpur, Ara.

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Jai Prakash Kumar Son of Arjun Das Resident of village - Lalse Bigha, P.S.
and District - Jehanabad.

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 571 of 2024

Arising Out of PS. Case No.-406 Year-2023 Thana- MASAUDHI District- Patna

Butul @ Ritwik Kumar @ Kanhaiya Kumar S/O KHUSHI LAL @ KHUSHI
LAL SONI @ KHUSHILAL SAH VILLAGE- SARAIYA BAZAR, PS.
BARHARA (KRISHNA GARH O.P), DIST. BHOJPUR.

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. JAI PRAKASH KUMAR S/O ARJUN DAS VILLAGE- LALSE BIGHA,
PS. AND DIST. JEHANABAD.

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 3355 of 2025)
For the Appellant/s : Mr.Shivanand Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.
For the Informant : Mr.Vikas Kumar, Advocate
(In CRIMINAL APPEAL (SJ) No. 571 of 2024)
For the Appellant/s : Mr.Shivanand Singh, Advocate
For the Informant : Mr.Vikas Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 03-04-2026 Cr. Appeal (SJ) No. 571/2024

Heard learned counsel for the appellant, the learned



Spl. P.P. for the State as well as the learned counsel for the informant.

2. This appeal is preferred against the order dated 20.12.2023 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in Serial No. 217 of 2023 arising out of Masaurih P.S. Case No. 406 of 2023 registered for the offence under Sections 302, 506, 120B, 34 of the Indian Penal Code, Section 27 of the Arms Act and under Section 3(2)(v) of the SC/ST Act, by which the prayer of the appellant for anticipatory bail was rejected.

3. As per the prosecution case, the appellant is accused of assaulting and killing the deceased.

4. Learned counsel for the appellant submits that the appellant is the brother-in-law and has falsely been implicated in this case. He further submits that for a trivial dispute, the occurrence has taken place. There is no specific allegation against the appellant. Learned counsel lastly submits that trial has not yet begun, despite the appellant being in custody for more than 2 ½ years.

5. Learned counsel for the State as well as learned counsel for the informant have vehemently opposed the prayer of the appellant and submitted that appellant namely, Butul @



Ritwik Kumar is the brother-in-law (*sala*) has fired upon the deceased and killed him.

6. Learned counsel for the informant, upon being asked about the delay in trial, has submitted that he has not been issued notice in the trial.

7. Considering the allegations levelled against the appellant, I am not inclined to grant bail to the appellant.

8. This application stands dismissed.

9. So far as the trial is concerned, the learned counsel for the informant has given an undertaking that he will appear and the prosecution will examine the witnesses on the dates fixed and cooperate in the trial and if the prosecution delays the trial, then the appellant is given liberty to move before this Court for bail.

CRIMINAL APPEAL (SJ) No.3355 of 2025

10. Heard learned counsel for the appellant, the learned Spl. P.P. for the State as well as the learned counsel for the informant.

11. This appeal is preferred against the order dated 02.08.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in Serial No. 217 of 2023 arising out of Masaurih P.S. Case No. 406 of 2023 registered for the offence under Sections 302, 506, 120B, 34 of the Indian Penal Code,



Section 27 of the Arms Act and under Section 3(2)(v) of the SC/ST Act, by which the prayer of the appellant for anticipatory bail was rejected.

12. As per the prosecution case, the appellant along with others is accused of assaulting and killing the deceased.

13. Learned counsel for the appellant submits that the appellant is the second brother-in-law (*sala*) has falsely been implicated in this case. There is no specific allegation against the appellant. Learned counsel lastly submits that the appellant was only driving the car in which the deceased has been killed and only allegation against him is that he called 2-3 times and talked to Ritwik on his mobile who had killed the deceased. Learned counsel further submits that it is a natural conduct of one brother talking to another brother and it cannot be construed as a material to connect the appellant with the crime. Appellant is in jail since 15.07.2025.

14. Learned counsel for the State and the learned counsel for the informant have vehemently opposed the prayer of the appellant.

15. Considering the aforesaid facts and circumstances of the case, this appeal stands allowed. Accordingly, the order dated 02.08.2025 passed by the learned Exclusive Special



Judge, SC/ST Act, Patna in Serial No. 217 of 2023 arising out of Masaurih P.S. Case No. 406 of 2023 is hereby set aside.

16. Accordingly, let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned learned Exclusive Special Judge, SC/ST, Patna /concerned Court below in connection with Masaurih P.S. Case No. 406 of 2023.

17. As a condition of this order, the appellant after being released on bail is directed to co-operate in the trial either by appearing personally or through his lawyer in the Trial Court on each and every date fixed by the trial Court. Non-compliance of the condition will result in cancellation of the bail bonds of the appellant.

(Sandeep Kumar, J)

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