

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1402 of 2025

Arising Out of PS. Case No.-889 Year-2024 Thana- PIRBAHOR District- Patna

Vishwajeet Kumar @ Monu S/o Rajesh Ram R/o Gali No.84, Quarter No. 214, Simjauri, P.S.- Chitranjan, District- West Bardhaman, West Bengal, presently residing at New Jaganpura, Adarsh Colony, Near Open Mind School, P.S.- Ramkrishna Nagar, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangita Devi Wife of Late Binay Kumar Das R/o Village- Lundru, POst-Deokuli, P.S.- Ichak, District- Hazaribagh, Jharkhand

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shashank Chandra, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Om Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 29-01-2026 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 04.03.2025 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna whereby the prayer for bail of the appellant in connection with Pirbahore P.S. Case No. 889 of 2024 under Sections 126(2), 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(v) of SC/ST Act was rejected.



3. The prosecution case, in short, is that the appellant along with other accused person committed the murder of one Vinay Kumar Das by firing upon him.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Charge-sheet has been submitted in this case. There is general and omnibus allegation against the appellant. The appellant is being dragged in this case merely due to earlier rivalry. 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 30.12.2024 and has one 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, stating that there is direct allegation of firing against the appellant. Learned counsel for the informant further contended that trial is going on and three witnesses have also been examined and therefore, the appellant does not deserve to be released on bail. Learned SPP 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, direct allegation against the appellant as also the present stage of trial, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the present appeal is dismissed.

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

9. However, if the trial is not concluded within next three months, liberty is granted to the appellant to renew his prayer for grant of bail before the learned court below itself.

(Rudra Prakash Mishra, J)

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