

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1391 of 2025

Arising Out of PS. Case No.-124 Year-2024 Thana- MANSAHI District- Katihar

Abhay Kumar Singh @ Abhay Kumar S/o Gautam Singh R/o Pnda, P.S.-
Mansahi, Distt.- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahendra Kumar Uraon S/o Late Chaudhary Uraon R/o Pinda, P.S.-
Mansahi, Distt.- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the State	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Ravindra Kumar Sinha No.2, 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 appellants
against the order dated 29-01-2025 passed by learned Additional
Sessions Judge-I-cum-Special Judge, SC/ST, Children Court,
Katihar whereby the prayer for bail of the appellant in
connection with Mansahi PS Case No. 124 of 2024 under
Sections 126(2), 115(2), 324(4), 109, 118(1), 118(2), 103,
191(2), 191(3), 352, 351(2) & 351(3) of the Bharatiya Nyaya
Sanhita, 2023, Section 27 of the Arms Act and Sections 3(1)(r)
(s) & 3(2)(va) of SC/ST Act was rejected.



3. Prosecution case, in short, is that the informant was attacked while ploughing bataidari land when Govind Singh abused and shot Baijnath Uraon, causing his death, while Gautam Singh fired with both hands, injuring Jabna Uraon. They also called 20-25 armed criminals who fired 60-70 rounds, forcing the informant and others to flee. Govind and Gautam further set fire to tractors after the attack.

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. There is no specific allegation against the appellant, rather the same is against co-accused, namely, Govind Singh and Gautam. The allegation against the appellant is general and omnibus in nature. At best, appellant was the member of the mob. 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 02-12-2024 and has no criminal antecedent. Other co-accused has been granted bail by this Court vide order dated 07-08-2025, passed in Cr. Appeal (SJ) No. 1005 of 2025.



5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant. Bail of co-accused having specific allegation have been rejected by this Court vide order dated 10-07-2025, passed in Cr. Appeal (SJ) No. 1438 of 2025 & Cr. Appeal (SJ) No. 1591 of 2025. It is next submitted that trial has commenced and two witnesses have been examined in this case. Learned APP has further 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, Hon'ble Apex Court has observed 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 and specifically taking into account the fact that trial has commenced, this Court, at this stage, is not inclined to allow the appeal. Appeal is, accordingly, **dismissed**.

7. The Trial Court is directed to expedite the trial as



expeditiously as possible without any undue delay and unnecessary adjournments.

8. However, appellant will be at liberty to renew his prayer for bail in the Court below, if the trial is not concluded within a period of four months from the date of receipt/production of a copy of this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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