

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2091 of 2025**

Arising Out of PS. Case No.-348 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Jitendra Kumar Yadav @ Jimmi S/O Late Shardanand Yadav Resident of
Pakwaliya, P.S.- Hussainganj, Dist.- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar S/O Nawal Kumar Ram Resident of Mahadeva Misan, P.S.-
Muffasil, Dist.- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Chandra, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the O.P. No. 2	:	Mr. Sheo Jee Mishra, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 05-02-2026 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 02.04.2025 passed by learned 1st
Additional Sessions Judge-cum-Special Judge, Siwan whereby
the prayer for bail of the appellant in connection with Siwan
Mufassil P.S. Case No. 348 of 2024 under Sections 302/34 of
the Indian Penal Code, read with Section 27 of the Arms Act,
Sections 3(i)(r)(s) and 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that three unknown
persons have made firing upon informant's brother due to which
he died.



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. Learned counsel for the appellant also submitted that the appellant is not named in the FIR. Name of the appellant has transpired on the basis of confessional statement of co-accused, namely, Saurabh Kumar Yadav and the same has got no evidentiary value. 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. It is next submitted that the appellant has been remanded in this case from Hussainganj P.S. Case No. 397 of 2024. The appellant is in custody since 25.11.2024 and has got eight criminal antecedents. Other co-accused has been granted regular bail by this Court vide order dated 18.11.2025 passed in Cr. Appeal (S.J.) No. 3862 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. It is next submitted that there is specific allegation against the appellant of committing murder of informant's



brother by firing upon him. It is further submitted that the appellant has also confessed his guilt. Hence, the appellant does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, specific allegation as also nature and gravity of the offence, this Court is not inclined to grant bail to the appellant 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 appellant will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

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