

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2353 of 2025

Arising Out of PS. Case No.-296 Year-2024 Thana- DHAMDAHA District- Purnia

Gajendra Kumar Modi S/O Bhola Modi Resident Of Village- Balutol
Durgapur, P.S.- Sarsi, District- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Manorma Devi W/O Akhlesh Rajak R/O Vill.- Kukron, Ward no. 7, P.s.-
Dhamdaha, Dist.- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Bidhu Ranjan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Resp. No. 2	:	Mr. Sita Ram Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 23-04-2026 Heard Mr. N.K. Agrawal, learned senior counsel for

the appellant, Mr. Sita Ram Prasad, learned counsel for the

Respondent No. 2 as well as Mr. Sadanand Paswan, learned

Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 07.03.2025
passed by the learned Court of Special Judge, SC/ST Act,
Purnea in connection with Dhamdaha P.S. Case No. 296 of
2024, F.I.R. dated 01.12.2024 registered under Sections 191(2),
126, 115(2) and 103 of the BNS, 2023 and Sections 3(1)(r)(s)
and 3(2)(v) of the SC/ST (PoA) Act.

3. According to the prosecution case, this appellant



along with other accused persons have committed rape upon the victim one by one and killed her by strangulating her.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that 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 and except the aforesaid, no other cogent material has come during investigation which suggest the involvement of the appellant in the present occurrence. The allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the Respondent No. 2 on the basis of material available on record and the case diary have vehemently opposed the prayer for bail of the appellant and submits that the co-accused has confessed his guilt that he along with other accused persons including the appellant have committed rape upon the victim and thereafter, they have killed the victim. The bail application of the co-accused, namely, Dablu Yadav @ Dablu Kumar has been rejected by a Co-ordinate Bench of this Court vide order dated 13.11.2025 passed in Cr. App. (SJ) No.



2086 of 2025.

6. Considering the nature of allegation as alleged in the FIR as well as the investigation, I am not inclined to enlarge the appellant on bail in connection with Dhamdaha P.S. Case No. 296 of 2024 pending in the Court of learned Special Judge, SC/ST Act, Purnea.

7. Accordingly, the impugned order is affirmed and this appeal stands dismissed.

(Rajesh Kumar Verma, J)

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