

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2521 of 2025**

Arising Out of PS. Case No.-141 Year-2024 Thana- GWALPARA District- Madhepura

Manish Kumar @ Monu S/o- Saini Yadav Village- Tema Bheela W.No-3, Ps-
Gwalpara Dist- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Ghanish Kumar S/o- Late Upendra Rishideo Village- Ramnagar Shahpur
W.No-3, Ps- Gwalpara Dist- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajnish Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

6 15-01-2026 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and perused the case
diary.

2. The instant appeal has been filed by the appellant
against the order dated 24.01.2025 passed by learned Additional
District and Sessions Judge, First-cum-special Judge, SC & ST
(POA) Act, Madhepura whereby the prayer for bail of the
appellant in connection with Gwalpara P.S. Case No. 141 of
2024 under Section 103 of the Bharatiya Nyaya Sanhita, 2023
and Section 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that the appellant has
allegedly killed informant's mother in front of Circle Office



room and her body was lying in the *verandah*.

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 submits that the allegation levelled against the appellant is general and omnibus in nature. It is next submitted that the informant is not an eye witness of the alleged occurrence. The trial is in progress and two witnesses have already been examined in this case. 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 10.10.2024 and has got no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant and submits that there is specific allegation levelled against the appellant. It is further submitted that on perusal of the post-mortem report in paragraph no. 56 of the case diary, it transpires that cause of death has been mentioned as asphyxia due to throttling. Hence, the appellant does not deserve the privilege of bail.



6. Considering the aforesaid facts and circumstances of the case, stage 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 expeditiously.

(Rudra Prakash Mishra, J)

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