

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2841 of 2025

Arising Out of PS. Case No.-200 Year-2024 Thana- BANJARIA District- East Champaran

Happy Kumar @ Rajkumar Son of Rajkishore Rai @ Rajkishor Singh
Village- Ajgari Math, P.S- Banjariya, Dist- East champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Nikhil Ranjan Kumar son of Krishananandan ram Village- Ajgari Math, P.S- Banjariya, Dist- East champaran

... .. Respondent/s

Appearance :

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

**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. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 04.06.2025 passed by the Exclusive Special Judge, SC/ST Act, East Champaran, Motihari, whereby the prayer for bail of the appellant in connection with Banjariya PS Case No. 200 of 2024 instituted under Sections 103(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s) & 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that co-accused Rajiv Singh @ Rajeev Kumar stabbed the brother of the informant to death, whereas it is alleged that co-accused Jitendra Singh,



Happy Kumar (Appellant) and Guddu had caught hold the deceased.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case due to village politics. Charge-sheet has been submitted in this case. It is submitted that nothing has been recovered from the possession of the appellant. Informant is not the eye witness to the occurrence. It is alleged that multiple knife blow was given, but surprisingly, only one injury of stabbing is found on the body of the deceased. 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 17.05.2025 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellants. Referring to paragraph No.20 of the case diary containing postmortem report indicates cause of death as haemorrhage and shock due to injuries caused by sharp pointed and long weapon. There is direct allegation against the appellant and other co-accused to



caught hold the deceased.

6. Considering the aforesaid facts and circumstances of the case, taking into account the nature and gravity of the offence as also there being direct allegation against the appellant that he was the order giver of the occurrence, this Court is not inclined to allow the appeal. Appeal is, accordingly, dismissed.

7. The trial Court is directed to expedite the trial and conclude the same expeditiously preferably within a period of six months from today. If the trial is not concluded within the period of six months, as stated above, the appellant will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

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