

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3079 of 2025

Arising Out of PS. Case No.-709 Year-2022 Thana- DHANARUA District- Patna

Jitendra Kumar @ Jitendra Mahto S/o- Late Krishna Prasad @ Late Krishna
Mahto Village- Chhati Ps- Dhanarua Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Harendra Paswan S/o- Ramji Paswan Village- Chhati Ps- Dhanarua Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Abhimanyu Deo, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 14-05-2026 Despite inter-appearance through *Vakalatnama*, no one appears on behalf of the Respondent No. 2.

2. Heard Mr. Krishna Pd. Singh, learned senior counsel for the appellant as well as Ms. Usha Kumari 1, learned Spl.P.P. for the State.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 26.04.2025 passed by the learned Court of Exclusive Special Judge SC/ST Act, Patna in connection with Danarua P.S. Case No. 709 of 2022, F.I.R. dated 22.11.2022 registered under Sections 302/34 of the IPC, Section 27 of the Arms Act and Sections 3 (2) (v) of the Scheduled Castes and Scheduled



Tribes Act (Prevention of Atrocities) Act.

4. According to the prosecution case, all the accused persons including this appellant abused the informant's mother and fired upon her resulting into her death.

5. 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 as per the allegation in the FIR the informant claimed that he has saw that the appellant has fired upon his mother and she died at the spot. Learned counsel for the appellant draws attention of this Court on the fact that the trial has begun and informant has deposed before the trial court as P.W.-2 and he has not supported the case of the prosecution and even he has not identified the co-accused persons. Hence, in view of the aforesaid the appellant may be enlarge on bail. The appellant is in custody since 27.09.2024.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

7. Vide order dated 01.04.2026 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 04.04.2026 reveals that out of 12 charge sheet witnesses, 7 witnesses have been examined and the case is



pending for the examination of rest of the 5 prosecution witnesses.

8. Learned counsel for the appellant submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future and the appellant is in custody since 27.09.2024.

9. Considering the aforesaid facts and circumstances of the case that the informant has not supported the case of the prosecution in his deposition before the learned Trial Court, report of the learned Trial Court as well as period of custody, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge SC/ST Act, Patna in connection with Danarua P.S. Case No. 709 of 2022, with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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