

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3109 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- BEN P.S. District- Nalanda

Gore Jamadar @ Mithlesh Jamadar S/O Dukhan Jamadar R/O Village- Sahari,
P.S- Ben, Distt.- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sita Devi W/O Ajay Ravidas R/O Village and P.S- Ben, Distt.- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anil Kumar Singh
For the Respondent/s	:	Ms.Usha Kumari 1- Spl.P.P.
		Mr.Shivnandan Bharti
		Mr.Pintu Kumar Patel
		Ms.Neha Kumari Singh
		Mr.Shaan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 07-04-2026 1. Heard learned counsel for the appellant, the learned
Special Public Prosecutor for the State and the learned counsel
appearing on behalf of the informant.

2. The appellant has challenged the order dated
14.07.2025 passed by Shri Dheeraj Kumar Bhaskar, the learned
Additional Sessions Judge-VIth-cum-Special Judge, SC/ST Act,
Biharsharif, Nalanda in connection with ABP No.1262 of 2025
arising out of Ben P. S. Case No.75 of 2025, instituted for the
offences under Sections 137(2),140(3),103(1),238,61,3(5) of the
B.N.S. and Sections 3(1)(r)(s),3(2)(v) of the Scheduled Castes
& Scheduled Tribes (Prevention of Atrocities) Act, whereby his



prayer for grant of anticipatory bail has been rejected.

3. The S.H.O. cum Investigating Officer of the case in compliance of the order dated 01.04.2026 is present in the Court.

4. The learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and the informant alleges that the wedding procession (Barat) of sunny kumar was going from Ravidas Nagar Ben to Badhauna on 05.05.2025. Further, her son Pawan Kumar (deceased) was also going in the Scorpio for attending the wedding, but when the car reached near the town, an altercation took place in between the inmates of the Scorpio vehicle and 5-6 persons who were playing DJ on the road on the issue of giving way to the car. Further, the Scorpio fell in a ditch on account of thunder and rain, as such, the wedding procession returned back, but Pawan Kumar (deceased) went missing. Accordingly, a search was made, but Pawan kumar could not be traced.

5. The learned counsel for the appellant submits that from perusal of the allegations as alleged in the FIR, it would manifest that the appellant is not named in the FIR rather FIR has been instituted against unknown. It is next submitted that



informant is not an eye witness to the occurrence, but then, alleges that when Pawan Kumar along with others were going to attend the wedding of Sunny Kumar at village-Badhauna when an altercation took place with 5-6 unknown accused who were playing DJ. It is also submitted that informant further alleges that Scorpio in which Pawan Kumar along with others person were sitting fell in a ditch on account of rain and thunder, but then, all persons who were in the Scorpio came back but Pawan went missing. It is next submitted that subsequently the dead body of Paawan Kumar was recovered and was sent for post mortem and post mortem report records the cause of death as asphyxia due to drowning but then, the police during the course of investigation based on secret information arrested Munna and Gulshan in whose confession the name of the instant appellant transpired that he was also involved in the occurrence of killing of Pawan. It is next submitted that it absolutely does not stand to reason that as to why the police did not record the statement of all those who were accompanying Pawan in the Scorpio vehicle to ascertain that as to what happened at the place of occurrence. It is also submitted that post mortem report does not record any external injury except for an abrasion over the eyes and the said abrasion could have been caused on account of car falling in the



ditch. It is reiterated and submitted that the post mortem report records the cause of death as asphyxia on account of drowning. It is thus submitted that police in mechanical manner investigated the case.

6. On query of the Court from the Investigating Officer of the case that as to whether the statement of the inmates of Scorpio vehicle was recorded by the police or not on which the Investigating Officer submits that statement of Jitendra Kumar at Para-7 of the case diary has been recorded. The said statement of Jitendra Kumar was read by the learned counsel appearing on behalf of the informant and from perusal of the same, it would manifest that Jitendra Kumar disclosed that an altercation had taken place and the driver of the Scorpio was assaulted by the unknown accused, but as far as Pawan is concerned with regard to him, it is not alleged that he saw accused assaulting him. It is further submitted that statement of Shrawan was also recorded at Para-8 of the case diary and his statement also if not verbatim is similar to the statement of Jitendra Kumar.

7. At this stage, the learned counsel appearing on behalf of the appellant submits that it is the case of murder and informant is not an eye witness to the occurrence nor the post



mortem report records that the deceased suffered any external injuries and his death has been opined to be cause on account of asphyxia on account of drowning, but still police after making arrest obtained confessional statement of the apprehended accused who confessed that on account of assault Pawan was killed, but then, the confessional statement does not get corroborated by the post mortem report which amply demonstrates that how mechanical the police is investigating in serious cases. It is further submitted that investigation in the case is still continuing and if privilege of anticipatory bail is granted, the appellant will cooperate in the investigation to prove his innocence.

8. The learned Special P. P. as well as the learned counsel appearing on behalf of the informant opposes the bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that post mortem report records the cause of death as asphyxia on account of drowning and the deceased suffered no external injuries.

9. Regard being had to the aforesaid submissions, the order dated 14.07.2025 is set-aside.

10. The appeal stands allowed.



11. The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Shri Dheeraj Kumar Bhaskar, the learned Additional Sessions Judge-VIth-cum-Special Judge, SC/ST Act, Bihar Sharif, Nalanda in connection with ABP No.1262 of 2025 arising out of Ben P. S. Case No.75 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

12. The personal appearance of the S.H.O. cum Investigating Officer is dispensed with.

(Satyavrat Verma, J)

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