

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3287 of 2025

Arising Out of PS. Case No.-126 Year-2024 Thana- PUNPUN District- Patna

Vikash Kumar @ Vivek Muskan, S/o Late Pradip Ram, R/O Vill.- Dularpur,
P.S.- Punpun, Dist.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Malo Devi, W/O Late Rajnandan Das, R/O Vill.- Dularpur, P.S.- Punpun,
Dist.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Deovind Kumar Singh, Advocate Mr. Utpal Kant, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 21-01-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 05.05.2025 passed by learned Exclusive Special Judge, SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Punpun P.S. Case No. 126 of 2024 under Sections 302/34 of the I.P.C., Section 27 of the Arms Act and Sections 3(2) (v) of SC/ST Act was rejected.

3. The case of the prosecution, in short, is that on 24.04.2024, during a dance programme at a reception party hosted by Vikash Kumar, indiscriminate firing took place. The respondent's husband, who had attended the event, sustained a



gunshot injury on the head. Later on, his dead body was left at his doorstep by the appellant and others. It is alleged that the five persons, namely, Vikash Kumar, the appellant, Bandhan Ram, Mukesh Ram, Subhash Ram and Sanjay Choudhary were holding weapons at that time.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case. From perusal of the F.I.R. itself it is clear that the appellant and others brought the dead body after treatment at the door of the respondent. It has further been submitted that this shows they are bonafide. As per the case of the prosecution, there was no intention to kill anybody. It is only a case of harsh firing. As such, there is no case is made out under Sections 302 and 34 of the I.P.C. It has further been submitted that during investigation, it has come that at the time of the occurrence, the appellant was not present there rather he was busy in receiving the guests as he had hosted the reception party. It has also been submitted that brother of the appellant, namely, Bandhan Ram @ Ravi Kumar has been allowed appeal by leaned Co-ordinate Bench vide Cr. Appeal (SJ) No. 1512 of 2025. It has also been submitted that as the deceased was invited and there is no allegation of calling the deceased with caste



name, SC/ST Act is not attracted. The appellant is languishing in judicial custody since 17.10.2024.

5. The appeal for bail is vehemently opposed by learned Spl. P.P. for the State and has stated that the appellant was near the stage holding a weapon.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 05.05.2025 passed in connection with Punpun P.S. Case No. 126 of 2024 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Punpun P.S. Case No. 126 of 2024 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned learned Exclusive Special Judge, SC/ST Act, Patna.

(Ashok Kumar Pandey, J)

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