IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3145 of 2026

CNR No. BRHC010831702026

Arising Out of PS. Case No.-187 Year-2026 Thana- MADANPUR District- Aurangabad

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Abhay Kumar Singh son of Late Valindra singh Resident of Vill- Mahuain, Ps- Madanpur, Dist- Aurangabad

... ... Appellant/s

Versus

1. The State of Bihar
2. Satish Kumar @ Satish Kumar Albela Son of Rajendra Paswan Resident of Vill- Madhokhap, Po- War, Ps- Madanpur, Dist- Aurangabad

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP
For the Respondent No.2: Mr. Aman Vishal, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 29-10-2026 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State, learned counsel for the informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 01.07.2026 passed by learned District and Additional Sessions Judge-1st-cum-Special Judge (SC/ST, Children & NDPS Act), Aurangabad, whereby the prayer for bail of the appellant in connection with Madanpur P.S. Case No. 187 of 2026 under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023, read with Section 27 of the Arms Act, Sections 3(i)(r)(s) and 3(2)(v) of SC/ST Act was rejected.

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3. Prosecution case, in short, is that on 08.05.2026 at about 11:00 A.M., the appellant allegedly shot the informant's father in the stomach with a firearm near Indian Bank, Uchauli, Madanpur, following an altercation in which he abused the deceased by caste name. It is further alleged that the incident was motivated by a prior complaint lodged by the deceased against the appellant with the bank manager, and the deceased succumbed to his injuries at Madanpur Hospital.

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. It is also submitted that the appellant was an employee, a security guard under M/s Vijay Bahadur Thapa Security Agency and at that time he was deployed by the agency at the Indian Bank, Uchauli. The appellant and the deceased were employed in the same branch and maintained an amicable relationship. It is next submitted that the appellant did not shot the deceased with an intention to kill him, rather the same has been unintentionally misfired by the appellant which hit 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

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against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 09.05.2026 and has got no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 01.07.2026 passed by learned District and Additional Sessions Judge-1st-cum-Special Judge (SC/ST, Children & NDPS Act), Aurangabad is hereby set aside.

7. Let the appellant be released on bail ***after framing of charge, if not already framed,*** on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madanpur P.S. Case No. 187 of 2026, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date

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fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

8. The learned Court below is directed to take expeditious steps for framing of charge against the appellant.

(Rudra Prakash Mishra, J)

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