

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3380 of 2025

Arising Out of PS. Case No.-889 Year-2024 Thana- PIRBAHOR District- Patna

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Aman Kumar S/o Jitendra Kumar R/o Babhan Toli, Rajapul, Near Hanuman
Mandir, Mainpura, PS- Buddha Colony, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangeeta Devi W/o Late Vinay Kumar Das R/o Vill- Lundru, P.O.- Deokudi,
P.S.- Echak, Distt- Hazaribagh, Distt- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Madhukar Anand, Advocate Mr. Shubham Kumar Singh, Advocate Mr. Amritanshu Udbhava, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Om Prakash Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

508-05-2026

Heard Mr. Madhukar Anand, learned counsel for the
appellant, Mr. Om Prakash Singh, learned counsel appearing on
behalf of the Respondent No. 2 as well as Mr. Sadanand
Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 19.05.2025
passed by the learned Court of Exclusive Special Judge,
(SC/ST), Patna in connection with Special Case No. 127/2025
arising out of Pirbahore P.S. Case No. 889/2024, F.I.R. dated
26.12.2024 registered under Sections 126(2), 103(1) read with
Section 3(5) of the BNS, 2023, Section 27 of the Arms Act and
Sections 3(1) (r), 3 (1) (s), 3(2)(v) of the Scheduled Castes and
Scheduled Tribes Act (Prevention of Atrocities) Act.



3. The prosecution case, in short, is that the accused Monu and one unknown person, due to business rivalry, committed the murder of Vinay Kumar Das by firing upon him near PMCH, Patna.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. The appellant is not named in the FIR, the name of the appellant has come on secret information. Thereafter, as claimed by the prosecution, on the basis of the confessional statement of the appellant weapon which was used in the alleged crime was recovered. I.O has been examined during the trial as P.W. 4 and he in his cross-examination stated that before the confessional statement of the appellant, police has already recovered the pistol in question. Apart from that, the eye witness, Bhola Kumar i.e., P.W. 3 in the present case has not identified the appellant during the trial. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 30.12.2024.

5. Vide order dated 08.04.2026 a report was called



with regard to the present stage of trial. Report of the learned Trial Court dated 18.04.2026 reveals that the charge has been framed against the petitioner on 09.10.2025 and there are seven (07) prosecution witnesses, out of seven (07), four (04) non-official witnesses and three (03) official witnesses. Out of seven witnesses, three (3) non-official witnesses & one (1) official witness total four (04) witnesses have been examined up till now.

6. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submitted that the appellant carries one more criminal antecedent other than the present one. Learned counsel for the respondent no. 2 has submitted that number of witnesses have supported the prosecution story.

7. Considering the aforesaid facts and circumstances of the case, 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), Patna in connection with Special Case No. 127/2025 arising out of Pirbahore P.S. Case No. 889/2024, 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.

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

(Rajesh Kumar Verma, J)

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