IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3581 of 2026

CNR No. BRHC010926002026

Arising Out of PS. Case No.-84 Year-2026 Thana- KHARIK District- Bhagalpur

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Sirchan Kumar S/o Sugriv Kumar Tanti R/o Village - Mirachar Sabour, P.S. - Industrial Area, Dist. - Bhagalpur.

... ... Appellant/s

Versus

1. The State of Bihar
2. Rajesh Kumar Das S/o Surendra Das R/o Village - Chhoti Navada, P.S. - Kharik, Dist. - Bhagalpur.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Rajive Ranjan Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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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 and perused the case diary. Despite valid service of notice, none has appeared on behalf of the Respondent No. 2.

2. The instant appeal has been filed by the appellant against the order dated 08.07.2026 passed by learned Special Judge, Exclusive Special Court (SC/ST Act.), Camp Court, Naugachiya, Bhagalpur whereby the prayer for bail of the appellant in connection with Kharik P.S. Case No. 84 of 2026 under Sections 103(1), 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of SC/ST Act was rejected.

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3. Prosecution case, in short, is that on 30.03.2026, the informant's son, Sittu Kumar, went out in his TOTO but did not return home. It is further alleged that his TOTO was found near Kalbiliya Dhar and his body was subsequently recovered near Dadpur Road, bearing signs of assault, with suspicion that unknown persons had beaten him to death and dumped his body in a roadside ditch.

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 is not named in the FIR. Name of the appellant has transpired in this case on the basis of confessional statement of co-accused and the same has got no evidentiary value. It is next submitted that the informant is not an eye witness to the alleged occurrence. No specific allegation has been attributed against the appellant rather the same is general and omnibus in nature. The appellant has not committed any such offence as alleged against him. 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 against him. The appellant has no intention to disgrace the image of the informant

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in public view. The appellant is in custody since 09.04.2026 and has got two criminal antecedents.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant. It is also submitted that the FIR has been lodged against unknown persons, but during investigation as well as in the confessional statement of co-accused person, name of the appellant has transpired in this case during investigation. It is further submitted that the appellant has confessed his guilt. Hence, the appellant does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, specific allegation as also nature and gravity of the offence, this Court is not inclined to grant bail to the appellant at this juncture.

7. Accordingly, the appeal stands dismissed. The trial Court is directed to expedite the trial. However, if the trial is not concluded within a period of six months from the date of receipt/production, the appellant will have liberty to renew his prayer for bail in the learned Court below.

(Rudra Prakash Mishra, J)

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