

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3676 of 2025

Arising Out of PS. Case No.-866 Year-2023 Thana- MASAUDHI District- Patna

Niwas Kumar @ Fantush S/o- Ashirvadi Yadav @ Naresh Kumar @
Ashirvadi Prasad @ Naresh Yadav Resident of Village- Thubhapar PS-
Dhanarua, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Shweta Kumari W/o- Kamlesh Kumar Paswan R/o- Kajichak Ps- Lahsuna
OP Ps- Masaurhi Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Barun Prasad, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Rajen Sahay, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 16-07-2026 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 15.05.2025 passed by learned Special
Judge, SC/ST Act, Patna whereby the prayer for bail of the
appellant in connection with Masaurhi P.S. Case No. 866 of
2023 under Sections 341, 323, 354, 302, 34 of the Indian Penal
Code and Sections 3(1)(s)(w), 3(2)(v) of SC/ST Act was
rejected.

3. The prosecution case, in short, is that the accused



persons allegedly abused the informant's daughter with filthy and caste-related remarks and, upon her protest, shot her dead on the spot.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that occurrence occurred on 11.12.2023 at 7.25AM but the FIR was lodged on 12.12.2023 without any plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that the name of the appellant is being dragged in this case merely due to suspicion. Learned counsel for the appellant further submitted 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 in public view. The appellant is in custody since 04.03.2024 and has one 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. Learned counsel for the informant submits that trial is already in progress and four witnesses have also been examined in this case. Learned SPP for the State relied upon a decision of



the Hon'ble Apex Court reported in **2024 SCC OnLine SC 3539**
(X. vs. State of Rajasthan & Anr.), wherein in paragraph no. 14,
the Hon'ble Apex Court has held as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court, be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

6. Considering the aforesaid facts and circumstances of the case, present stage of the trial as also nature and gravity of offence, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the present appeal is dismissed.

(Rudra Prakash Mishra, J)

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