

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3799 of 2025

Arising Out of PS. Case No.-477 Year-2024 Thana- DIGHA District- Patna

Deepak Rai @ Deepak Kumar @ Deepak Kumar Yadav @ Indrajeet Rai S/O
Jainath Rai @ Jaynath Ray Resident of Ramjee Chak Sarkari School Gali,
P.S- Digha, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangeeta Devi W/O Late Bijendra Paswan R/O Village- Gandhi Gali Main
Road, Ramji Chak, P.S- Digha, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rahul Raj, Advocate Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-04-2026 Heard Mr. Rahul Raj, learned counsel for the
appellant as well as Ms. Usha Kumari 1, learned Spl.P.P. for the
State.

2. Despite valid service of notice, no one appears on
behalf of the Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 24.07.2025
passed by the learned Court of I/C Exclusive Special Judge,
SC/ST Act, Civil Court (Sadar), Patna in connection with
Special Case No. 474 of 2024 arising out of Digha P.S. Case No.
477 of 2024, F.I.R. dated 24.07.2024 registered under Sections
118. 109 and 61(2) of the BNS, 2023, Sections 25(1-b)a, 26, 27



and 35 of the Arms Act and Sections 3(1)(r)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act (Prevention of Atrocities) Act and later on Section 103 of the BNS, 2023 was added.

4. According to the prosecution case, eight miscreants riding on three motorcycles came and fired indiscriminately upon the informant's son and his friend due to which they sustained gunshot injuries.

5. 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. He further submits that the statement/dying declaration of the deceased, namely, Neeraj Kumar has been recorded in paragraph no. 46 of the case diary in which he has not stated anything about the appellant and apart from that in paragraph no. 47 of the case diary the statement of one Raju Kumar Rai has been recorded in which he has also not stated anything about the appellant. He further submits that in the dying declaration of Neeraj Kumar the name of the co-accused Pintu Kumar has been transpired who has been granted bail by a Co-ordinate Bench of this Court



vide order dated 11.09.2025 passed in Cr. Misc. No. 2092 of 2025. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 30.05.2025.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant on the ground that the appellant carries seven criminal antecedents other than the present one but fairly submits that he is on bail in six cases and one case is pending for consideration before the competent court of law.

7. Considering the aforesaid facts and circumstances of the case that the deceased has not stated anything about the appellant and even the injured person has also not stated anything about the appellant and co-accused against whom there is allegation of firing attributed has been granted bail by a Co-ordinate Bench of this Court, 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 I/C Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Special Case No. 474 of 2024 arising out of Digha P.S. Case No. 477 of 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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