

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3726 of 2025

Arising Out of PS. Case No.-200 Year-2024 Thana- BANJARIA District- East Champaran

Guddu sah @ Guddu kumar Son of Rajendra sah Resident of Village - Asgari
Math Nayaka Tola, P.S. - Banjariya, Dist. - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nikhil Ranjan Kumar Son of Krishnanand Ram Resident of Village - Asgari
Math, Ward no. 05, P.S. - Banjariya, Dist. - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

4 23-07-2026 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and perused the case
diary. Despite valid service of notice, none has appeared on
behalf of informant/Respondent No. 2.

2. The instant appeal has been filed by the appellant
against the order dated 07.08.2025 passed by learned Exclusive
Special Judge, SC/ST Act, East Champaran, Motihari whereby
the prayer for bail of the appellant in connection with Banjariya
P.S. Case No. 200 of 2024, under Sections 103(1), 3(5) of the
Bharatiya Nyaya Sanhita, 2023, read with Sections 3(i)(r)(s) and
3(2)(v) of SC/ST Act was rejected.



3. Prosecution case, in short, is that co-accused, Rajiv Singh stabbed the brother of the informant to death, whereas it is alleged that co-accused Jitendra Singh, Happy Kumar and Guddu Sah (Appellant) had caught hold the deceased.

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. Learned counsel for the appellant also submits that no specific allegation of assault has been attributed against the appellant rather the same is general and omnibus in nature. Specific allegation of assault is levelled against co-accused Rajiv Singh. 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 in public view. The appellant is in custody since 10.04.2025 and has got three criminal antecedents.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant and submits that on perusal of the post-mortem report, it transpires that cause of death has been opined as haemorrhage and shock due to



injuries caused by sharp pointed and long weapon. There is direct allegation against the appellant and other co-accused to caught hold the deceased. Regular bail of other co-accused has been dismissed by this Court vide order dated 29.01.2026 passed in Criminal Appeal (SJ) No. 2841 of 2025.

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.

(Rudra Prakash Mishra, J)

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