

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4121 of 2025

Arising Out of PS. Case No.-294 Year-2025 Thana- DEEPNAGAR District- Nalanda

1. Sunil Mahto @ Sunil Prasad S/o- Fakira Mahto Village- Dumrawan, PS- Deepnagar, District- Nalanda
2. Mukhiya Mahto @ Dayanand Kumar S/o- Sunil Mahto @ Sunil Prasad Village- Dumrawan, PS- Deepnagar, District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi W/o- Om Prakash Paswan Village- Dumrawan, Po- Dumrawan PS- Deepnagar, District- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sunil Prasad Singh, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, SPP
For the Informant	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 29-01-2026 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State, learned counsel for the informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellants against the order dated 27.08.2025 passed by learned Additional Sessions Judge-VI-cum-Special Judge SC/ST (POA) Act, Bihar Sharif at Nalanda whereby the prayer for bail of the appellants in connection with Deep Nagar P.S. Case No. 294 of 2025 under Sections 190, 191(2), 191(3), 126(2), 103(1), 61(2) of the Bharatiya Nyaya Sanhita, 2023, read with Section 27 of



the Arms Act, Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Act and later on Sections 25(1-B)(a), 26, 35 of the Arms Act were added, was rejected.

3. Prosecution case, in short, is that the appellants along with other co-accused persons attacked and abused the informant, and shot dead the deceased persons namely Himanshu Kumar and Anu Kumari.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Learned counsel for the appellants also submits no specific allegation has been attributed against the appellants rather the the allegation levelled against them is general and omnibus in nature. There is no allegation of assault on the appellants rather they are only member of the mob. It is next submitted that specific allegation of firing is levelled against co-accused Kaushal Kumar and Prashant Kumar. Learned counsel for the appellants further submits that the appellants have 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 them. The appellants have no intention to disgrace the image of the informant in public view. Charge-sheet has been submitted in this case. The appellants are in custody since 14.07.2025.



Appellant no. 1 has one criminal antecedent whereas appellant no.2 has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants and submits that there is specific allegation against the appellants of being involved in the commission of double murder in connivance of other co-accused persons. It is further submitted that on perusal of case diary, it transpires that witnesses have supported the prosecution case in paragraph nos. 12, 20, 21, 63, 64, 65, 66 and 67. Hence, the appellants do not deserve the privilege of bail. Learned Special PP further submitted that prayer for grant of bail of a co-accused person has already been rejected vide order dated 20.11.2025 passed in Cr. Appeal (SJ) No. 3746 of 2025.

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

7. Accordingly, the appeal stands dismissed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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