

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4250 of 2025

Arising Out of PS. Case No.-372 Year-2024 Thana- NAWADA MUFFASIL District- Nawada

Kanahiya Kumar @ Kanhaiya Kumar son of Subodh Chouhan @ Subodh Kumar Resident Of Village- Toy Bigha Beldariya Ps -Jayrampur District -Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Beyas Muni son of Sanjay Manjhi Resident of Village- Dedour Tola, Krishna nagar at River, Ps- Muffasil, Dist- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Pragati Singh, Advocate Ms. Shivani Mishra, Advocate Ms. Vidhi Shree, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 14-05-2026 Despite inter-appearance through *Vakalatnama*, no one appears on behalf of the Respondent No. 2.

2. Heard Mrs. Pragati Singh, learned counsel for the appellant as well as Mr. Binay Krishna, learned Spl.P.P. for the State.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 09.09.2025 passed by the learned Court of Exclusive Special Court SC/ST Nawada in connection with Muffasil P.S. Case No. 372 of 2024, F.I.R. dated 19.09.2024 registered under Sections 191(2), 193(3), 190, 109(1), 352, 351(2), 351(3),



326(g), 303(2), 111(3), 61(2)(a) of the BNS, 2023, Section 27 of the Arms Act and Sections 3(1)(f)(g)(r)(s)(w)/3(2)(va) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act (Prevention of Atrocities) Act.

4. Earlier the bail application of the appellant has been rejected vide order dated 30.01.2025 passed by Cr. Appeal No. 95 of 2025 (SJ) by the Co-ordinate Bench of this Court.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. She further submits that the appellant is not named in the FIR and his name has been transpired on the basis of suspicion and except the suspicion, nothing has come during investigation which suggest the involvement of the appellant in the present occurrence. She further submits that even while rejecting the appellant's bail application on the last occasion, the leaned Court has directed the learned Trial Court to conclude the trial at the earliest but despite that, the trial is not in progress. She further submits that out of 21 charge sheet witnesses, 15 witnesses have been examined. In view of the aforesaid, the trial is not likely to be concluded in the near future and the appellant is in custody



since 17.10.2024. She further submits that the similarly situated co-accused person, namely, Mahesh Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 29.07.2025 passed in Cr. App. (SJ) No. 407 of 2025 and another co-accused, namely, Pawan Kumar has also been granted bail by a Co-ordinate Bench of this Court vide order dated 16.09.2025 passed in Cr. App. (SJ) No. 1219 of 2025.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that the appellant has participated in the present crime in question and he along with the co-accused person have burnt the house of 16 families. .

7. Considering the aforesaid facts and circumstances of the case, period of custody as well as the fact that similarly situated accused persons have granted bail, 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 Exclusive Special Court SC/ST Nawada in connection with Muffasil P.S. Case No. 372 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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