

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4427 of 2025

Arising Out of PS. Case No.-889 Year-2024 Thana- PIRBAHOR District- Patna

Vishal Kumar S/O Sri Rajesh Kumar Resident of Village- Kila Road,
Kemashiko, Patna City, P.S- Chowk, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangita Devi W/O Vinay Kumar Das R/O Village- Lunduru, P.S- Ichak,
Distt.- Hazaribagh (Jharkhand).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kumar Manglam, Advocate
For the State	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Om Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 19-02-2026 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 09.09.2025 passed by learned Exclusive Special Judge, SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Special Case No. 127 of 2025 arising out of Pirbahore P.S. Case No. 889 of 2024 instituted under Sections 126(2), 103(1) & 3(5) of the BNS, Section 27 of the Arms Act and Sections 3(1)(r)(s) & 3(2)(v) of SC/ST Act was rejected.

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



Monu and one unknown person, due to business rivalry, committed the murder of Vinay Kumar Das by firing upon him near PMCH, Patna.

4. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. Appellant is not named in the F.I.R. The name of the appellant transpired in this case on the basis of confessional statement of the co-accused. Learned counsel further submitted that during investigation, co-accused Aman Kumar has confessed his guilt and stated that he along with one Monu committed the murder of the deceased. Learned counsel further submitted that as per the statement of the co-accused Aman Kumar, the present appellant is nowhere connected with the alleged occurrence. 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 31.12.2024 and has one criminal antecedent. Other co-accused has been granted bail by this Court vide order dated 31.07.2025, passed in Cr. Appeal (SJ) No. 1185 of 2025.

5. Learned Special P.P. for the State and the informant



have vehemently opposed the prayer for grant of bail to the appellant stating that the accused persons including the appellant committed the murder of the deceased.

6. Considering the aforesaid facts and circumstances of the case, there being no cogent material against the appellant to show his involvement in the alleged offence and the period of custody undergone by the appellant as also claim based on parity, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 09.09.2025 passed by learned Exclusive Special Judge, SC/ST Act, Patna in connection with Special Case No. 127 of 2025 arising out of Pirbahore P.S. Case No. 889 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case No. 127 of 2025 arising out of Pirbahore P.S. Case No. 889 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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