

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4590 of 2025

Arising Out of PS. Case No.-190 Year-2025 Thana- BANKA District- Banka

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Tinku Kumar @ Raj S/O Pradeep Yadav @ Pradeep Kumar Yadav R/O
Village - Idgah Road, Murgidih, Babu Tola, P.S- Banka, District - Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Sabita Devi W/O Late Nand Lal Sah R/O Vill.- Vijay NAGAR, P.S and
Dist.- Banka

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Brij Nandan Prasad, Advocate
For the Respondent/s	:	Mr. Jharkhandi Upadhyay, APP
		Mr. Binay Krishna, APP
For the Res No. 2	:	Mr. Sanjay Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-05-2026 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel

appearing on behalf of the informant.

2. The present appeal has been preferred against the
order dated 08.10.2025 passed by the learned District and
Additional Sessions Judge-1-cum-Special Judge, SC/ST Act,
Banka in connection with Special SC/ST Case No. 83 of 2025
arising out of Banka P.S. Case No. 190 of 2025. The case was
initially registered for offences punishable under Sections
137(2) and 140(3) of the Bharatiya Nyaya Sanhita, 2023;
however, the charge-sheet has been submitted under Sections
103(1), 61(2), and 238 of the Bharatiya Nyaya Sanhita, 2023 as
well as Sections 3(1)(r)(s) and 3(2)(a) of the SC/ST Act. The



learned court below by the impugned order has rejected the prayer for bail of the appellant.

3. The prosecution case, in brief, is that the petitioner along with others is alleged to have committed the murder of the deceased. One Rahul Kumar @ Chhotu has made a self-inculpatory statement disclosing the involvement of the appellant in the commission of the offence. It is further stated that at the instance of the said Rahul Kumar @ Chhotu, the dead body of the deceased was recovered. The deceased is alleged to have been brutally murdered by cutting his neck. The appellant is in custody since 30.04.2025 and has three criminal antecedents.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated and there is no direct evidence connecting him with the alleged occurrence. On the other hand, the learned Special Public Prosecutor for the State, as well as the learned counsel for the informant, have opposed the prayer for bail, submitting that there is sufficient material indicating the appellant's involvement in a heinous offence of murder, supported by the statement of a co-accused and the recovery of the dead body. The learned counsel for the informant further submits that the prosecution will cooperate in



the trial and will produce the witnesses on the dates fixed.

5. Having considered the rival submissions of the parties, the nature and gravity of the offence, the material available on record, the alleged role attributed to the appellant, the self-inculpatory statement of co-accused Rahul Kumar @ Chhotu, the recovery of the dead body at his instance, the manner in which the offence is alleged to have been committed as well as the criminal antecedents of the appellant, this Court is of the view that no case for grant of bail is made out.

6. Accordingly, finding no merit in this appeal, the same is dismissed. Consequently, the prayer for bail of the appellant stands rejected.

7. If the trial is not concluded within one year and is delayed by the prosecution, the petitioner may renew his prayer for bail.

8. It is made clear that the observations made herein are prima facie in nature and confined only to the adjudication of the present appeal for bail and shall not be construed as an expression on the merits of the case.

(Sandeep Kumar, J)

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