

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5013 of 2025

Arising Out of PS. Case No.-119 Year-2025 Thana- SIGAUDI District- Patna

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Avinash Kumar Son of Subodh Kumar @ Subodh Verma Resident of Village-
Bela, P.S.- Sigori, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Pinki Devi Wife of Late Kundan Kumar Resident of Village- Bahadurganj,
P.S.- Sigori, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Sinha, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl.P.P.
For the Respondent No.2:	:	Mr. Kumar Prabhakar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 15-04-2026 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the respondent no. 2.

2. The instant appeal has been filed by the appellant
against the order dated 04.11.2025 passed by learned Exclusive
Special Judge, SC/ST Act, Civil Court (Sadar), Patna whereby
the prayer for bail of the appellant in connection with Sigori P.S.
Case no. 119 of 2025 under Sections 103, 303(2), 351(2) and
3(5) of B.N.S. and Sections 3(2) (v) of SC/ST (POA) Act was
rejected.

3. The case of the prosecution is that the appellant
along with others has made an ambush and as the husband of the



respondent went there, one Nitish Kumar caught his waist and Amit Kumar threatened him of dire consequences. He was also assaulted with bricks on his head due to which he received head injury on the back part of his head. It is further alleged that Rs. 3,000/- was also snatched from his pocket. Later on, the husband of the respondent (deceased) succumbed to the injuries.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. From perusal of the FIR, it is clear that though the appellant is named as one of the accused persons but from perusal of the FIR, it is clear that the main thrust of allegation is against Amit Kumar and Nitish Kumar. There is no any allegation of overt act against the appellant. He is only a member of mob. As far as abusing the deceased with caste name is concerned, the same is also general and omnibus in nature. Moreover, the appellant is languishing in judicial custody since 01.09.2025.

5. The appeal for bail is vehemently opposed by learned Spl. P.P. for the State and learned counsel for the respondent no.2.

6. Having heard learned counsel for the parties and taking into consideration that there is no any specific overt act against the appellant, the Court is inclined to allow this appeal.



Accordingly, the appeal is allowed and the impugned order dated 04.11.2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Sigori P.S. Case No. 119 of 2025 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna.

(Ashok Kumar Pandey, J)

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