

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2692 of 2025

Arising Out of PS. Case No.-247 Year-2024 Thana- KOILWAR District- Bhojpur

Chandan Kumar Son of Shivchand Shah @ Shiv Chand Prasad @ Shivchad
Sah R/o Mujaffarpur, P.S.- Sahar, Distt.- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shailesh Paswan Son of Suresh Paswan R/o vill.- Kuberchak, Dhandiha,
P.S.- Koilwar, Distt.- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Y. C. Verma, Sr. Advocate Mr. Amresh Kumar Sinha, Advocate Mr. Saroj Kumar Choudhary, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 11-09-2025 Heard learned senior counsel for the appellant,

learned Special Public Prosecutor for the State and perused the

case diary. Despite valid service of notice, none appears on the

behalf of the informant.

2. The instant appeal has been filed by the appellant
against the order dated 23.06.2025 passed by Learned 1st
Additional Sessions Judge-cum-Special Judge, Schedule Caste /
Schedule Tribe Act, Bhojpur at Ara whereby the prayer for bail
of the appellant in connection with Koilwar P.S. Case No. 247
of 2024 under Sections 302, 120(B) of the Indian Penal Code,
read with Section 27 of the Arms Act and Section 3(2)(v) of
SC/ST Act was rejected.

3. Prosecution case, in short, is that the appellant



along with other co-accused persons have allegedly shot informant's brother and threw him on the road. It is further alleged that the accused persons have committed murder of informant's brother over a matter related to love affairs.

4. Learned senior counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned senior counsel for the appellant also submits that the appellant is not named in the FIR. Name of the appellant has transpired in this case on the basis of confessional statement of co-accused in course of investigation and the same has got no evidentiary value. It is next submitted that co-accused Gorakh Mahto has confessed his guilt and no specific allegation has been attributed against the appellant rather the same is general and omnibus in nature. Learned senior counsel for the appellant further submits 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 25.03.2025 and has got three criminal antecedents in which he is on bail.

5. Learned Special P.P. for the State has opposed the



prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 23.06.2025 passed by Learned 1st Additional Sessions Judge-cum-Special Judge, Schedule Caste / Schedule Tribe Act, Bhojpur at Ara is hereby set aside.

7. Let the appellant be released on bail *after framing of charge, if not already framed* on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Koilwar P.S. Case No. 247 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)

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