

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.604 of 2026

Arising Out of PS. Case No.-60 Year-2021 Thana- ADHAOURA District- Kaimur (Bhabua)

Sahanawaj Miya @ Shahnaj Ansari S/O Islam Ansari Resident of village-
Bhagwanpur, P.S.- Bhagwanpur, District- Kaimur at Bhabua

... .. Appellant/s

Versus

1. The State of Bihar
2. Gulab Paswan S/O Late Somaru Paswan Resident of village- Todi, P.S.-
Bhagwanpur, District- Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajani Kant Pandey, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Jay Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-05-2026 Heard Mr. Rajani Kant Pandey, learned counsel for
the appellant, Mr. Jay Prakash Singh, learned counsel appearing
on behalf of the Respondent No. 2 as well as Mr. Sadanand
Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 21.01.2026
passed by the learned Court of Additional Sessions Judge-1st,
Special Judge, (SC/ST), Kaimur at Bhabua in connection with
Adhaura P.S. Case No. 60/2021 F.I.R. dated 17.12.2021
registered under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act. Later on cognizance has been taken
under Section 302, 34, 120B, 201, 34 of the Indian Penal Code,



Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act (Prevention of Atrocities) Act.

3. According to the prosecution case, it is stated by the informant that his son who left the house on 16.12.2021 after taking food did not return. On 17.12.2021, at 3 a.m., he was informed by one Shahnawaz Mian that Murari Singh called him to inform that some people were shooting him. The informant started to search. He met Murari Singh and thereafter the dead body of the informant's son was recovered.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. The appellant is not named in the FIR. The name of the appellant has come in the present case on the basis of suspicion raised by the informant that the co-accused, namely, Murari Singh and the appellant has killed his son. There is no eye witness of the alleged occurrence and except the suspicion nothing has come during investigation which suggests the involvement of the appellant in the present occurrence. Charge has been framed against the appellant on 16.03.2026. Similarly situated co-



accused person, namely, Murari Singh has been granted regular bail by the co-ordinate bench of this Hon'ble Court vide order dated 17.01.2023 passed in Cr. Misc. No. 27585/2022. The appellant is in custody since 15.12.2025.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant on the ground that appellant carries five criminal antecedents other than the present one but fairly submits that out of five case he is on bail in four cases and he is acquitted in one case.

6. Considering the aforesaid facts that appellant is not named in the FIR, the name of the petitioner has come during investigation and similarly situated co-accused person has been granted bail by the co-ordinate bench of this Hon'ble Court and charge has been framed against the petitioner, 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 Additional Sessions Judge-1st, Special Judge, (SC/ST), Kaimur at Bhabua in connection with Adhaura P.S. Case No. 60/2021, 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.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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