

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.751 of 2026

Arising Out of PS. Case No.-287 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Shiv Bachan Choudhary S/O Late Ramashray Choudhary R/O Village-
Keshopur, Bakri, P.S. and P.O.- Udwant Nagar, Dist.- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Nitish Kumar S/O Late Sita Ram Rajak R/O Village- Keshopur, Bakri, P.S.
and P.O.- Udwant Nagar, Dist.- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar Mr. Abhishek Anand Mr. Umesh Kumar
For the Respondent/s	:	Mr. Binay Krishna Mr. Jharkhandi Upadhyay
For the Informant	:	Mr. Parmatma Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-05-2026

Re:- I.A. No. 01 of 2026.

The present interlocutory application has been filed on behalf of the appellant for condoning the delay of 40 days in filing of the present appeal.

2. For the reasons mentioned in the interlocutory application, the same is allowed and the delay in filing of the present appeal is hereby condoned.

Re:- CRIMINAL APPEAL (SJ) No.751 of 2026

3. Heard the parties.

4. This is the second attempt preferred by the appellant against the order dated 09.10.2025 passed by the



District and Additional Sessions Judge-1st-cum-Exclusive Special Judge, SC/ST Act, Bhojpur at Ara in B.P. No. 3963 of 2025 arising out of Udwanthnagar P.S. Case No. 287 of 2024 registered for the offence under Sections 191(2), 191(3), 190, 126(2), 115(2), 109(1) and 103(2) of the BNS and 3(1)(r)(s) / 3(2)(v) of the SC/ST Act and under Section 27 of the Arms Act, by which the regular bail application preferred by the appellant has been rejected.

5. As per the FIR, Harendra Chaudhary, Ram Shankar Choudhary, Gopal Choudhary, Shiv Bachan Choudhary and the appellant are said to have fired upon the deceased Virantan Ram, who died on the spot. The occurrence has taken place because of earlier dispute.

6. The appellant is in custody since 21.08.2024.

7. The learned counsel for the appellant has submitted that for the same occurrence Udwanthnagar P.S. Case No. 286 of 2024 was registered by the informant Ram Karan Yadav, the inspector of police, who has given the details of the occurrence. In the FIR, he has said that on receiving information about the killing of Virantan Ram, the police party reached the place of occurrence and has started following the criminals and when the criminals fired upon the police, the police also had fired upon



the criminals in which one of the criminal namely Sonu Sunny @ Alok Baba was shot and captured. He further submits that Sonu Sunny along with Aman Kumar have given statement that they had taken supari for killing the deceased and they have killed the deceased.

8. Learned counsel for the petitioner further submits that the FIR bearing Udwanthnagar P.S. Case No. 286 of 2024 was registered on 4.7.2024 at around 4:15 P.M. against two accused persons namely Sony Sunny and Aman Kumar but in the present FIR, which has been filed for the same occurrence by the informant one Nitish Kumar, at 8:30 P.M. on 4.7.2024, it has been alleged that the deceased was killed by the accused persons of the present case. He next submits that if the deceased was killed by the aforesaid two accused persons which is apparent from Udwanthnagar P.S. Case No. 286 of 2024, this false case has been filed only with an intention to harass the accused persons of the present case.

9. Learned counsel for the State and the informant, though, have opposed the prayer of the appellant by submitting that in the trial, out of 11 witnesses, four have already been examined but when this Court wanted to know the stage of trial of Udwanthnagar P.S. Case No. 286 of 2024, they were unable to



give any information regarding the same.

10. I have heard and considered the submission of the parties.

11. In the opinion of this Court, when the police filed Udwanthnagar P.S. Case No. 286 of 2024 for killing of the deceased and also captured Sonu Sunny, as an accused along with one Aman then there was no occasion for filing the second FIR i.e. the present FIR and even if the second FIR has been accepted then the trial arising out of both the FIRs should have been conducted by the same trial Judge but the same is not being done.

12. Considering the aforesaid facts, this Court deems it fit to enlarge the appellant on bail.

13. Accordingly, this appeal stands allowed and the impugned order dated 9.10.2025, is hereby set aside.

14. 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 the concerned Court below in connection with Udwanthnagar P.S. Case No. 287 of 2024.

15. The Principal District and Sessions Judge, Bhojpur at Ara is directed to transfer the trial of both the cases



arsing out of same occurrence, i.e. Udwantnagar P.S. Case No. 286 of 2024 and Udwantnagar P.S. Case No. 287 of 2024 in the same Court so that the trial of both the cases are disposed on the same day side by side.

16. Let a copy of this order be communicated to the Principal District and Sessions Judge, Bhojpur at Ara through FAX for its compliance.

(Sandeep Kumar, J)

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