

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.804 of 2026

Arising Out of PS. Case No.-597 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Niraj Kumar S/o- Narayan Paswan R/v- Bhawani Nagar Paswan Tola W.No-17, Ps- Saharsa Sadar Dist- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Umesh Paswan S/o- Late Biko Paswan R/v- Koshi Colony W.No-17, Po- Saharsa Ps- Saharsa Sadar, Dist- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amarnath Jha
For the Respondent/s	:	Mr. Binay Krishna
For the Informant	:	Mr. Madhav Jha

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-04-2026 Heard learned counsel for the appellant, learned counsel for the respondent no.2 and 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 23.05.2025 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Saharsa in connection with Saharsa Sadar P.S. Case No. 597 of 2025 registered under Sections 103(1) and 3(5) of the BNS, 2023 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act (Prevention of Atrocities) Act.

3. The case of the prosecution, in brief, is that informant's son Ashwani Kumar was running beetle shop at Koshi Chauk. He was sitting in his shop on 22.5.2025 at 7:30 O'clock in the evening. Mean while some unknown persons came Caused to his shop and to told Ashwani Kumr to go same



to where. He made his brother Ghanshyam Kumar sit in the shop and departed towards Koshi colony. Ashwani Kumar in course of departing there from took mobile of his cousin brother Dilkhush Kumar and after 10 minutes Dilkhush Kumar started calling him through the mobile of the relatives. It was received once and he told that he would return in five minutes. When he did not return by late night search was done. Even in the morning search was made at 10 O'clock in the morning his mobile got switched off. On 23.5.2025 at 12:30 O'clock one lady who picks up was the materials raised alarm then the informant came to know and recognized the dead body. Police was informed. Informant claims that F.I.R. named accused and unknown persons murdered him.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and appellant is not named in the FIR and the name of the appellant has transpired during the course of investigation on the basis of confessional statement of co-accused person namely, Shivaji Singh. Learned counsel for the appellant submits that the appellant has also confessed his guilt in the present occurrence and except the aforesaid, no cogent material has come to suggest the involvement of the appellant in the present case and even no one has seen the



occurrence. It is next submitted that similarly situated co-accused person, namely, Ranshu Kumar has been granted bail vide order dated 23.04.2026 in Cr. Appeal (SJ) No. 477 of 2026 by this Court. It is next submitted that police after investigation has submitted charge-sheet and appellant is in custody since 13.08.2025.

5. Learned counsel appearing on behalf of the respondent no.2 and the learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submit that appellant has confessed his guilt in the present occurrence but fairly submits that except the aforesaid, no cogent material has come to suggest the involvement of the appellant in the present case

6. Considering the aforesaid facts and circumstances of the case and that appellant has clean antecedent, 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 Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Saharsa in connection with Saharsa Sadar P.S. Case No. 597 of 2025 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)

Gaurav Sinha/-

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