

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1510 of 2026

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

Harendra Choudhary S/O Ramayan Choudhary R/O Vill.- Keshopur Bakari,
P.S-Udwanthnagar Dist- Bhojpur at Arrah

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Nitish Kumar S/O Late Sita Ram Rajak R/O Vill.- Keshopur Bakari, P.S-
Udwanthnagar Dist- Bhojpur at Arrah

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bindhyachal Singh Sr. Advocate Mr. Vipin Kumar Singh, Advocate Mr. Aakash Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. PP
For The Res No. 2	:	Mr. Parmatma Singh Mr. Yashwant Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-07-2026 Heard the learned Senior Counsel for the appellant,

the learned Spl. PP for the State, and the learned counsel for the

informant.

2. This is the second attempt on behalf of the

appellant. The present appeal is directed against the order dated

10.02.2026 passed in Bail Petition No. 421 of 2026 (SC/ST

Case No. 108 of 2024) by the learned 1st Additional Sessions

Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara, in

connection with Udwanthnagar P.S. Case No. 287 of 2024,

registered on 04.07.2024, under Sections 191(2), 191(3), 190,

126(2), 115(2), 109(1) and 103(2) of the Bharatiya Nyaya



Sanhita (BNS), Section 3(1)(r)(s) / 3(2)(v) of the SC/ST Act, and Section 27 of the Arms Act.

3. As per the prosecution case, the informant and his companions were sitting in an orchard when the accused persons arrived, surrounded them, and started indiscriminate firing. It is further alleged that co-accused Mala Devi instigated the others to kill the informant by addressing him by his caste name. The accused persons are also alleged to have assaulted the informant and others with lathis, dandas, iron rods, and firearms, causing fatal injuries to the informant, Birantan Ram, who died on the spot. It is further alleged that the incident occurred in connection with pressure to compromise an earlier dispute, leading to the registration of the FIR.

4. Learned counsel for the appellant submits that the appellant is quite innocent and has been falsely implicated in the present case. It is further submitted that the appellant has been in custody since 28.08.2024. It is also submitted that, in respect of the same occurrence, Udwantnagar P.S. Case No. 286 of 2024 was registered by Ram Karan Yadav, Inspector of Police, who provided a detailed account of the incident. It is stated in the FIR that upon receiving information regarding the killing of Virantan Ram, the police party reached the place of occurrence



and began chasing the criminals. During the pursuit, the criminals allegedly opened fire upon the police, and in retaliatory firing by the police, one of the accused, namely Sonu Sunny @ Alok Baba, sustained injuries and was apprehended. It is further submitted that Sonu Sunny, along with Aman Kumar, gave a statement admitting that they had taken a supari for the murder of the deceased and had committed the crime.

5. Learned counsel for the appellant further submits that Udwanthnagar P.S. Case No. 286 of 2024 was registered on 04.07.2024 at about 04:15 P.M. against two accused persons, namely Sonu Sunny and Aman Kumar. However, in the present FIR, which relates to the same occurrence and was lodged by the informant Nitish Kumar at 08:30 P.M. on 04.07.2024, it has been alleged that the deceased was killed by the accused persons in the present case. It is further submitted that if the deceased had already been killed by the aforesaid two accused persons, as is evident from Udwanthnagar P.S. Case No. 286 of 2024, then the present FIR appears to have been lodged only with the intention of falsely implicating and harassing the present appellant and the other accused persons.

6. Learned counsel for the State as well as the informant have vehemently opposed the prayer for bail.



7. I have heard learned counsel for the parties and have perused the materials available on record. In the opinion of this Court, since the police had already registered Udwanthnagar P.S. Case No. 286 of 2024 in respect of the killing of the deceased and had also apprehended Sonu Sunny along with Aman Kumar as accused persons, there was no occasion for registration of a second FIR in respect of the same occurrence.

8. Even if the second FIR has been registered, it would have been desirable that the trials arising out of both the FIRs be conducted by the same learned trial Judge, which is not being done.

9. Considering the aforesaid facts and circumstances, this Court deems it fit and proper to enlarge the appellant on bail.

10. Accordingly, the appeal stands allowed and the impugned order dated 10.02.2026 passed in Bail Petition No. 421 of 2026 (SC/ST Case No. 108 of 2024) by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara, in connection with Udwanthnagar P.S. Case No. 287 of 2024 is hereby set aside.

11. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Udwanatnagar P.S. Case No. 287 of 2024.

12. The learned Principal District and Sessions Judge, Bhojpur at Ara is directed to transfer the trials arising out of Udwanatnagar P.S. Case No. 286 of 2024 and Udwanatnagar P.S. Case No. 287 of 2024 to the same learned Court, so that both trials may be conducted and disposed of side by side on the same day.

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

(Sandeep Kumar, J)

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