

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4081 of 2025

Arising Out of PS. Case No.-119 Year-2024 Thana- PUSA District- Samastipur

Pankaj Sahni S/o- Anil Sahni R/o- Patepur Gopinath Ps- Pusa Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinku Devi W/o- Late Jitendra Paswan @ Tender R/o- W.No-5, Patepur Gopinath Ps- Pusa Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mirtyunjay Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

7 13-05-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 29.08.2025 passed by learned Special Judge, SC/ST (POA) Act, Samastipur whereby the prayer for bail of the appellant in connection with Pusa P.S. Case no. 119 of 2024 under Sections 103(1), 308(5) and 3(5) of B.N.S., Section 27 of the Arms Act and Sections 3(2) (v) of SC/ST (POA) Act was rejected.

3. The case of the respondent is that the appellant along with others started demanding *Rangdari* from the husband of the respondent who is returning after performing his work to



which he denied. On this, he was being abused with caste name. It is alleged that the appellant fired at the husband of the respondent. On alarm being raised, the respondent and others reached there, he was rushed to hospital where he was declared dead by the doctor. The respondent has further stated that the appellant and others fired at her husband was disclosed to her by her husband.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Learned counsel for the appellant has submitted that in this case there is no eye witness. The deceased has disclosed the name of the appellant to the respondent. Learned counsel has further submitted that in this case the trial in progress and altogether three witnesses have been examined. The respondent has been examined as P.W.-3. In her deposition, she has not supported the case of the prosecution and in cross-examination, she had stated that she does not know as to how did her husband receive gunshot injuries. She was at her house at that time. Learned counsel has further submitted that as nobody has witnessed the occurrence, the allegation regarding abusing the deceased with caste name is baseless and the same is not supported by the respondent herself during her examination in trial. Moreover,



the appellant is languishing in judicial custody since 28.01.2025 and he is having no criminal antecedent.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and has submitted that in this case trial is going on.

6. Having heard learned counsel for the parties and taking into consideration that there is no any specific overt act against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 29.08.2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Pusa P.S. Case No. 119 of 2024 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Samastipur.

(Ashok Kumar Pandey, J)

Shubham/-
Sneha/-

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