

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4382 of 2025

Arising Out of PS. Case No.-203 Year-2025 Thana- RAGHOPUR District- Vaishali

Ganaur Sah, Son of Late Jaggu Sah, R/O Village- Raghapur Paschmi, P.S.-
Raghapur, Dist-. Vaishali (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Kalwa Devi, Wife of Late Lal Bahadur Das, Resident of Village- Rampur Shopan Chand, Ward no. 13, P.S.- Raghapur, District- Vaishali (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Harsh Vardhan, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the respondent	:	Mr. Sanjeev Kr. Sharma, Advocate
		Mr. Santosh Kumar, Advocate
		Mr. Shubhendu Shekhar, Advocate
		Ms. Shalini, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 28-01-2026 Heard learned counsel for the appellant, learned counsel for the respondent and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 27.09.2025 passed by learned Exclusive Special Judge (SC/ST) Act, Vaishali at Hajipur whereby the prayer for bail of the appellant in connection with Raghapur P.S. Case No. 203 of 2025 under Sections 140(1) and 3(5) of B.N.S. and Sections 3(2)(v) of SC/ST Act was rejected and charge-sheet has been submitted under Sections 140(1), 103(1), 238(a) and 3(5) of the B.N.S. and Section 3(2)(v) of SC/ST Act.



3. The case of the prosecution, in short, is that the husband of the complainant has gone to Block Office, Fatehpur, Raghapur for old age pension. As he was not feeling well, he started resting below a tree. Meanwhile a white colour vehicle dashed him while it was being parked from back side.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case. The name of this appellant has surfaced during investigation in the confessional statement of Kiran Devi and Chandan Kumar. It has further been submitted that save and except the confessional statement, there is nothing against the appellant. It has also been submitted that the appellant is neither the owner nor the driver of the vehicle. The role which has been attributed against him in the confessional statement is that he was instrumental in disposing of the body of the deceased. It has further been submitted that all the story has cropped up during investigation only in the confessional statement of aforesaid Kiran and Chandan. It has also been submitted that appeal of co-accused Kiran Devi in whose confessional statement name of this appellant surfaced has been allowed by this Court vide Cr. Appeal (SJ) No. 3680 of 2025 and the case of this appellant stands of similar footing. The appellant is having no criminal antecedent and he is languishing in judicial custody since 27.07.2025.



5. The appeal for bail is vehemently opposed by learned Spl. P.P. for the State and learned counsel for the respondent. Learned counsel for the respondent has submitted that in the confessional statement of Chandan Kumar, it has come that this appellant was instrumental in disposing of the body of the deceased but conceded that save and except the confessional statement, there is nothing against the appellant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 27.09.2025 passed in connection with Raghapur P.S. Case No. 203 of 2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Raghapur P.S. Case No. 203 of 2025 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 Court of Exclusive Special Judge (SC/ST) Act, Vaishali at Hajipur.

(Ashok Kumar Pandey, J)

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