

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4725 of 2025**

Arising Out of PS. Case No.-69 Year-2025 Thana- BIHRA District- Saharsa

Sikandra @ Siken Sharma @ Shikendra @ Sikendrar Sharma S/o Late Badri
Sharma R/o Village - Bela Bagrauli, P.S - Bihra, District - Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Chulhay Paswan S/o Late Rameshwar Paswan R/o Village - Bela Bagrauli,
Ward No. 11, P.S - Bihra, District - Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Madhav Jha, Advocate
For the Respondent/s	:	Mr.Usha Kumari 1, S.P.P. Mr. Deepak Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 22-01-2026 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 03.11.2025 passed by Addl. Sessions
Judge-1-cum-Special Judge SC/ST Act, Saharsa, whereby the
prayer for bail of the appellant in connection with Bihra P.S.
Case No. 69 of 2025, under Sections 191(2), 191(3), 190,
103(1) and 61(2) of the BNS, Section 27 of the Arms Act and
Section 3(2)(v) of the SC/ST Act was rejected.

3. Prosecution case, in short, is that while informant's
son was going to Saharsa on his motorcycle, on the way, the



accused persons surrounded him and co-accused Md. Abdul Rehman fired on the chest of the informant's son due to which he fell on the ground. Thereafter, the appellant and the co-accused persons started indiscriminate firing on the son of the informant due to which he died on the spot. The informant has further alleged that the main conspirator of the alleged occurrence is the co-accused Pradeep Kumar Thakur.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. There is general and omnibus allegation against the appellant. The appellant is in custody since 29.03.2025 and has no criminal antecedent. Similar co-accused has been granted bail by this Court vide order dated 16.10.2025 passed in Cr. Appeal (S.J.) No. 2864 of 2025.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the



appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 03.11.2025 passed by Addl. Sessions Judge-1-cum-Special Judge SC/ST Act, Saharsa, in connection with Bihra P.S. Case No. 69 of 2025 is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihra P.S. Case No. 69 of 2025.

(Rudra Prakash Mishra, J)

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