

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4776 of 2025

Arising Out of PS. Case No.-726 Year-2024 Thana- SASARAM NAGAR District- Rohtas

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Avinash Yadav @ Avinash Kumar, Son of Harendra Yadav @ Harendra Singh, Resident of Village - Yadav Tola Kuraich, P.S. Sasaram(Town), District - Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vishuni Paswan, Son of late Laldeo Paswan, Resident of Village- Kuraich Mahavir Sthan, Ward No. 14, P.S. Sasaram (Town), District Rohtas.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Raghunandan Kumar Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 02-04-2026 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 01.11.2025 passed by learned Special Court, SC/ST Act, Rohtas at Sasaram whereby the prayer for bail of the appellant in connection with Sasaram (T) P.S. Case No.726 of 2024 under Section 103(1) of B.N.S., Section 27 of the Arms Act and Section 3(ii)(v) of SC/ST Act was rejected.

3. The case of the prosecution, in short, is that on 31.08.2024 the respondent's father Laldeo Paswan went out for a walk at 4:00 A.M. At 4:20 A.M., the respondent got information that his father has been shot dead by unknown



persons in front of one Vijay Lal's house. The respondent reached there and took his father to Sadar Hospital, Sasaram where he died during treatment.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case. The F.I.R. was lodged against unknown miscreants. During course of investigation, one spy has suspected two persons Shashi Kumar and one Ashwini Kumar. Both have given their confessional statement before police. The name of this appellant has surfaced only on the basis of confessional statement of these two accused persons. It has further been submitted that save and except the confessional statement of the co-accused, there is nothing against the appellant. It has also submitted that co-accused Ashwini Kumar @ Naga has been granted bail by learned Co-ordinate Bench vide Cr. Appeal (SJ) No. 1964 of 2025 and co-accused Shashi Kumar has been granted bail by this Court vide Cr. Appeal (SJ) No. 3542 of 2025. The case of this appellant stands on better footing. He is having no criminal antecedent and he is languishing in judicial custody since 02.08.2024.

5. The appeal for bail is vehemently opposed by learned Spl. P.P. for the State and has conceded that name of this



appellant has surfaced on the basis of confessional statement.

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 01.11.2025 passed in connection with Sasaram (T) P.S. Case No.726 of 2024 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Sasaram (T) P.S. Case No.726 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 Court, SC/ST Act, Rohtas at Sasaram.

(Ashok Kumar Pandey, J)

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