

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4799 of 2025

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

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Santosh Choudhary S/O Late Kappo Chaudhary @ Kapleshwar Pasi Resident
of Village- Patori, ward No. 9, P.S- Bihra, District- Saharsa.

... .. Appellant/s

Versus

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

... .. Respondent/s

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Appearance :

For the Appellant/s : Mrs. Rashmi Jha, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 20-04-2026 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 04.11.2025 passed by learned Additional District and Sessions Judge-1st-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), 61(2) 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 while the son of the respondent was going to Saharsa on his bike, in the way,



Md. Abdul Rahman fired on the chest of the respondent's son due to which he fell on the ground. It is further alleged that after that, other named accused also fired at him due to which, he died.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. From perusal of the FIR, it is clear that the name of the appellant does not find place in the FIR. His name has surfaced during course of investigation in the confessional statement of one Saurav. Learned counsel has submitted that save and except the confessional statement, there is nothing against the appellant. The main thrust of allegation is against Abdul Rahman who has fired on the chest of the deceased. Similarly situated co-accused has been granted bail by this court vide Cr. App(SJ) No. 4873 of 2025. The case of this appellant stands on similar footing. Moreover, the appellant is languishing in judicial custody since 12.06.2025 having no criminal antecedent.

5. The appeal for bail is opposed by learned Spl. P.P. for the State

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 04.11.2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Bihra P.S. Case No. 69 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 Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST Act, Saharsa.

(Ashok Kumar Pandey, J)

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