

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4900 of 2025

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

Danish Kha @ Danish Khan S/o Sohrab Kha R/o Mohanpur, ward no. 10,
P.O. - Mohanpur, P.S.- Navhatta, Distt.- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Chulhai Paswan S/o Late Rameshwar Paswan R/o vill - Bela Bagraulli,
Panchayat Barsher ward no. 11, P.S.- Bihra, Distt.- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh No. I
For the Respondent/s : Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 07-07-2026 Heard the parties.

2. This appeal has been preferred against the order dated 3.11.2025 passed by the learned Court of Additional Sessions Judge-1st cum-SC/ST Exclusive Special Judge, Saharsa in Special Case No. 36 of 2025 arising out of Bihara P.S. Case No. 69 of 2025 registered for the offence under Sections 191(2), 191(3), 190, 103(1), 61(2) of the BNS, under Section 27 of the Arms Act and under Sections 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, around ten persons are said to have killed the deceased.

4. The appellant is in custody since 30.04.2025.



5. It has been submitted by the learned counsel for the appellant that the appellant is not named in the FIR and except for his own confessional statement, there is no material to connect him with the alleged offence.

6. Learned counsel for the State Mr. Jharkhandi Upadhyay has opposed the application of the petitioner and has taken this Court to the case diary to show that materials have come against the appellant to connect him with the crime.

7. I have heard and considered the submissions of the parties and have also perused the case diary.

8. During investigation, it has come that the killing of the deceased was planned by the accused persons and pursuant to that one Saurav Kumar got two pistols and has given the same to one Shivi and the petitioner. Thereafter, Shivi and the petitioner followed the deceased, whose location was being provided by other co-accused and they stopped the deceased and killed him.

9. The appellant is one of the assailants of the deceased and in the scientific investigation also, the mobile phone location of the appellant has been found on the spot and he has also been found to be talking to the other co-accused before commission of the crime. He has also deposited Rs.



40,000/- in the bank account of his mother which was taken by him from one Rahul, who has given the supari to the appellant for killing the deceased.

10. Considering the aforesaid facts, this Court is not inclined to interfere with the impugned order.

11. Accordingly, this appeal stands dismissed.

(Sandeep Kumar, J)

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