

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4902 of 2025

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

Mahadev Sharma S/o Jeevan Sharma R/o Village- Bela Bagrauli, Ps- Bihra,
District - Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Chulhai Paswan S/o Late Rameshwar Paswan R/o vill- Bela Bagrauli, P.S.-
Bihra, Distt. - Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 02-04-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The present appeal has been filed by the appellant against the order dated 03.11.2025 passed by the Additional 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, registered 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. Briefly stated, the prosecution case is that the informant's son was traveling to Saharsa on his motorcycle



when the accused persons allegedly surrounded him. The co-accused Md. Abdul Rehman is alleged to have fired at the chest of the informant's son, causing him to fall to the ground. Thereafter, the appellant along with other co-accused allegedly continued indiscriminate firing, resulting in the death of the informant's son. The informant further alleges that the main conspirator in the incident is the co-accused Pradeep Kumar Thakur.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated. It is submitted that the charge-sheet has already been filed. It is further submitted that the appellant did not take the caste name of the informant in public and had no intention to disgrace the informant. The allegations against the appellant are general in nature. The appellant is in custody since 23.03.2025 and has no prior criminal antecedents. It is further submitted that similarly situated co-accused persons were granted bail by this Court in Cr. Appeal (S.J.) No. 4604 of 2025 on 26.03.2026.

5. Learned Special Public Prosecutor for the State has opposed the grant of bail.

6. Considering the above facts, the period of custody, and in the interest of justice, this Court is inclined to allow the



appeal. Accordingly, the appeal is allowed, and the order dated 03.11.2025 passed by the Additional 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. Accordingly, the appellant is directed to be released on bail upon furnishing a bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bihra P.S. Case No. 69 of 2025.

8. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Sandeep Kumar, J)

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