

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4873 of 2025

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

Saurabh Kumar S/o Surendra Mahto R/o Village - Patouri Ward no.12, 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, P.S - Bihra, District - Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Chandra Mohan Jha, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Respondent	:	Mr. Ashok Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 06-04-2026 Heard learned counsel for the appellant, learned Spl. P.P. for the State and learned counsel for the respondent.

2. This is an appeal under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 03.07.2025 passed by the learned Additional Sessions Judge 1-cum-Special Judge, SC/ST Act, Saharsa in Special Case No. 36 of 2025 arising out of Bihra P.S. Case No. 69 of 2025 registered for the offences punishable under Sections 191(2), 190, 191(3), 103(1) & 61(2) of the Bharatiya Nyaya Sanhita, under Section 27 of the Arms Act and under Section 3(2)(v) of the SC/ST(PoA) Act.



3. The case of the respondent, in short, is that when the informant's son was going to Saharsa on his bike, in the way, the accused persons namely Md. Abdul Rahman fired on the chest of the informant's son due to which he fell on the ground. It is further alleged that after that, other names accused persons fired at son of the informant due to which he died.

4. Learned counsel for the appellant submits that from perusal of the FIR it will transpire that the name of this appellant is not there in the FIR. The name of this appellant has surfaced during investigation. During investigation it has come that the appellant has worked as liner in this case. Learned counsel for the appellant has further submitted that in this case the main thrust of allegation is against Md. Abdul Rahman and that one of the co-accused namely, Sachidanad Paswan who is named in the FIR has been granted bail by learned Co-ordinate Bench of this Court vide Cr. Appl.(S.J.) No. 2864 of 2025. The case of this petitioner stands on similar footing. Learned counsel for the appellant has submitted that no overt act is alleged against the appellant. Learned counsel for the appellant has further submitted that the appellant is having no criminal antecedent and he is in judicial custody since 02.04.2025.

5. Learned counsel for the respondent is present and



has vehemently opposed the bail to the appellant and has submitted that the all the accused persons have killed the deceased.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 03.07.2025 passed by the learned Additional Sessions Judge 1-cum-Special Judge, SC/ST Act, Saharsa in Special Case No. 36 of 2025 arising out of Bihra P.S. Case No. 69 of 2025 is hereby set aside and the appellant above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of A.D.J. 1st cum Special Judge, SC/ST, Saharsa in connection with Special Case No. 36 of 2025 arising out of Bihra P.S. Case No. 69 of 2025.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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