

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5003 of 2025

Arising Out of PS. Case No.-503 Year-2025 Thana- FATEHPUR District- Gaya

Raj Kaushal Son of Brijnandan Das @ Brijnandan Das R/o Mohalla - Ravidas
Tola, P.S.- Fatehpur, District - Gaya.

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Anita Devi Wife of Raju Ram R/o Village and P.S.- Fatehpur, District - Gayaji.

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 5084 of 2025

Arising Out of PS. Case No.-503 Year-2025 Thana- FATEHPUR District- Gaya

Chhotu Kumar @ Raja Kumar Son of Birendra Thakur Resident of village-
Fatehpur PS- Fatehpur Dist -Gaya

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Anita Devi Wife of Raju Ram Resident of village- Fatehpur PS- Fatehpur Dist -Gaya

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 5003 of 2025)
For the Appellant/s : Mr. Ajay Kumar Sinha. Advocate
Ms. Supriya Singh, Advocate
For the State : Mrs. Usha Kumari 1, Spl.P.P.
For the Respondent : Mr. Sanjay Kr. Sharma, Advocate
(In CRIMINAL APPEAL (SJ) No. 5084 of 2025)
For the Appellant/s : Mr. Shivendra Prasad, Advocate
For the State : Mrs. Usha Kumari 1, Spl.P.P.
For the respondent : Mr. Sanjay Kr. Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 23-03-2026 Heard learned counsel for the appellants, learned

Special Public Prosecutor for the State and learned counsel for

the respondent.



2. The instant appeal has been filed by the appellants against the order dated 18.11.2025 passed by learned Exclusive Special Judge SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Fatehpur P.S. Case no. 503 of 2025 under Sections 103(1), 61(2) and 3(5) of BNS and Section 27 of the Arms Act and Sections 3(2) (v) of SC/ST Act was rejected.

3. The case of the respondent is that the appellants along with others killed the respondent's son.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. Learned counsel for the appellants have submitted that from perusal of the FIR, it is clear that the appellants along with others have taken the son of the respondent to some place and it is further alleged that one Shubham Kumar @ Gungun Kumar has fired at the son of the respondent due to which he died. Learned counsel has submitted that the manner in which, the FIR was drafted, it shows that the respondent is not the eye witness of this case. It has further been submitted that there is specific allegation against Shubham @ Gungun and there is no any allegations against these appellants. From perusal of FIR, it also transpires that Sachin Kumar and Kamlesh and the appellant Raj Kaushal took the deceased to PMCH, Fatehpur. As



far as allegation regarding abusing with caste name is concerned, since the respondent is not the eye witness, this allegation has also got no force. It has further been submitted that similarly situated co-accused person, namely, Nitish Kumar has been granted bail by learned co-ordinate Bench of this court vide Cr. APP(SJ) No. 4767 of 2025. The case of these appellants stands on similar footing. A statement has been made in para-3 of this petition that the appellants have got no criminal antecedent. Moreover, they are languishing in judicial custody since 10.07.2025.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the respondent. Learned counsel for the respondent has submitted that there was common intention among all the accused persons and in pursuance of this, they have executed the murder of the deceased.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of this case, the Court is inclined to allow the appeal. Accordingly, the appeal is allowed and the impugned order dated 18.11.2025 is hereby set aside.

7. The appellants are directed to be enlarged on bail in



connection with Fatehpur P.S. Case No. 503 of 2025 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) on each of them with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-SC/ST Gaya with following conditions:-

- (i) The appellants shall cooperate in trial and shall remain physically present in the trial court on each and every fixed date.
- (ii) The appellants are also directed not to threaten any of the witnesses.

Shubham/-

(Ashok Kumar Pandey, J)

U		T	
---	--	---	--

