

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5102 of 2025**

Arising Out of PS. Case No.-334 Year-2025 Thana- CHENARI District- Rohtas

Nirmal Yadav @ Nirmal Singh Yadav Son of Late Bigau Yadav R/o Village -
Auraiya, P.S. - Chenari, Dist. - Rohtas at Sasaram.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gurucharan Singh Kharwar @ Gurucharan Singh Son of Late Ramashish Singh Kharwar R/o Village - Auraiya, P.S. - Chenari, Dist. - Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shankar Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 23-03-2026 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the respondent.

2. The instant appeal has been filed by the appellant against the order dated 26.11.2025 passed by learned Special Judge, SC/ST, Sasaram, Rohtas whereby the prayer for bail of the appellant in connection with Chenari P.S. Case no. 334 of 2025 under Sections 103(1), 238(a) and 3(5) of BNS and Sections 3(ii) (v) of SC/ST (POA) Act was rejected.

3. The case of the prosecution is that father of the respondent, namely, Ramashish Singh had gone for searching tractor for ploughing the field on 7.08.2025 but he did not



return. He was being searched in entire village. On 10.08.2025, he came to know that the dead body of his father(deceased) was found. It is further alleged that the appellant along with others who are the enemies of the respondent might have killed the deceased.

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 entire FIR is based on suspicion and there is no eye witness. Only ground is that there was enmity and during investigation, it has also come that there has been land dispute between the parties. Moreover, the appellant is languishing in judicial custody since 19.08.2025 having no criminal antecedent.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the respondent. She has submitted that it is a brutal murder and some parts of the body of the deceased are still missing but she could not connect the appellant with the offence.

6. From perusal of the entire diary, it is also clear that the witnesses who have been examined by I.O. during investigation, have only reiterated the respondent. One Dinesh Yadav has given his confessional statement and from perusal of



the confessional statement of Dinesh Yadav, it is clear that he has stated that he along with this appellant and other accused persons have killed the deceased. Save and except confessional statement of Dinesh, there is nothing against the appellant.

7. Having heard learned counsel for the parties and considering the facts and circumstances of this case as stated above, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 26.11.2025 is hereby set aside.

8. The appellant is directed to be enlarged on bail in connection with Chenari P.S. Case No. 334 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 Special Judge SC/ST, Sasaram, Rohtas **with the condition that the appellant shall cooperate in trial and shall not threaten any of the witnesses.**

(Ashok Kumar Pandey, J)

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