

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.240 of 2025

Arising Out of PS. Case No.-320 Year-2018 Thana- BAHADURPUR District- Patna

Shiva @ Shivm @ Shivam Sharma @ Shivam Kumar Sharma S/o- Satyadev
Sharma R/o- Near Bidupur High School Police Station-Bidupur District-
Vaishali Bihar

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Digvijay Narayan Singh
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 26-06-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State but none appeared on
behalf of the Respondent No. 2, however, learned Spp has
already informed the Respondent No. 2.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail vide
order dated 20.08.2024 passed by the learned Exclusive Special
Judge, SC/ST (POA) Act, Civil Court (Sadar), Patna in
connection with Bahadurpur P.S. Case No. 320 of 2018 (Special
Case No. 591 of 2018) dated 31.10.2018 registered for the
offence/s punishable u/ss 307 and 302 read with section 34 of



the Indian Penal Code and section 3(2) (v) of the SC/ST (POA) Act and section 27 of the Arms Act.

3. As per the prosecution case, the appellant is alleged to have fired on Pandit Manjhi thereafter, the co-accused Raushan, Balbant and Avinash caught hold of Balma Manjhi and the petitioner Shivam also fired on him, thereafter both injured were taken to hospital where Balma Manjhi died during the course of the treatment.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. The appellant has ten criminal antecedents which is not related to murder like section 302 of the IPC and he is on bail in nine criminal cases as stated in para 3 of the bail petition. The appellant is in custody since 29.01.2019 i.e. 6 years and 5 months. As per letter no. 157 of 2025 dated 12.06.2025, there are total 15 witnesses in this case and no witness has been examined by the prosecution in this case till now.



5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that there is specific allegation against the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 20.08.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Civil Court (Sadar), Patna in connection with Bahadurpur P.S. Case No. 320 of 2018 (Special Case No. 591 of 2018), is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA) Act, Civil Court (Sadar), Patna in connection with Bahadurpur P.S. Case No. 320 of 2018 (Special Case No. 591 of 2018), with the condition/s:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.



(ii) The appellant is directed to cooperate in the trial
before the learned court below concerned.

(Chandra Prakash Singh, J)

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