

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.335 of 2025

Arising Out of PS. Case No.-102 Year-2021 Thana- BHAGWANPUR HAT District- Siwan

Nitish Kumar @ Nitish Kumar Singh @ Police Son of Kushwar Singh
Resident of Village - Paniyadih, Mahamda Bazar, Mohmda Bazar, P.S. -
Bhagwanpur Hat, District - Siwan

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ram Awadhesh Ram Son of Late Babulal Ram Resident of Village - Ratan Parauli, Tiwari Tola, P.S. - Bhagwanpur Hat, District - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 08-05-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail of the appellant vide order dated 23.12.2024 passed by the learned 1st Additional Sessions Judge-cum- Special Judge, Siwan in connection with Special Case No. 152/2024 arising out of Bhagwanpur Hat P.S. Case No. 102 of 2021 (Sessions Trial No. 158/24) dated 02.06.2021 registered for the alleged offences punishable under Section 302 read with Section 34 of the Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, when the informant and his family members were doing the centering work then the appellant and the co-accused persons reached there and assaulted his brother with rod, hockey stick and other weapons due to which he sustained head injury. Thereafter, they took him to the hospital but on the way, he succumbed to the injuries.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is no specific allegation against the appellant rather the allegation against the appellant is general and omnibus. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. As per the Post-mortem report of the deceased, the alleged victim had died due to haemorrhage on account of injury on his head and who has caused this injury is not clear from the FIR. The co-accused person has already been granted bail by the Coordinated Bench of this court vide order dated 21.12.2022 passed in Cr. Appeal (SJ) No. 166/2022. The appellant has no criminal antecedent as stated in para 3 of the



bail petition. The appellant is in custody since 23.12.2024.

5. Learned Special Public Prosecutor for the State has opposed the prayer for bail of 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 23.12.2024 passed by the learned 1st Additional Sessions Judge-cum- Special Judge, Siwan in connection with Special Case No. 152/2024 arising out of Bhagwanpur Hat P.S. Case No. 102 of 2021 (Sessions Trial No. 158/24), 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 1st Additional Sessions Judge-cum- Special Judge, Siwan in connection with Special Case No. 152/2024 arising out of Bhagwanpur Hat P.S. Case No. 102 of 2021 (Sessions Trial No. 158/24) with the conditions :-

(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 bond of the appellant is liable to be cancelled.

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

(Chandra Prakash Singh, J)

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