

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.532 of 2025**

Arising Out of PS. Case No.-462 Year-2024 Thana- MAHARAJGANJ District- Siwan

Shubham Pratap Singh @ Bhanu Pratap Singh Son of Satyendra Kumar Singh  
@ Satyendra Singh Resident of village - Sherpur, P.S.- Daraundha, Distt.-  
Siwan.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sushil Kumar Paswan Son of Bharat Manjhi Resident of village - Sherpur,  
P.S.- Daraundha, Distt.- Siwan.

... .. Respondent/s

**Appearance :**

|                      |   |                                                          |
|----------------------|---|----------------------------------------------------------|
| For the Appellant/s  | : | Mr. Yogesh Chandra Verma, Sr. Adv.<br>Mrs. Kumari Anupam |
| For the Respondent/s | : | Mr. Binay Krishna                                        |

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

ORAL ORDER

3      20-03-2025                      Heard learned counsel for the appellant and learned  
  
Special Public Prosecutor for the State, learned Special Public  
Prosecutor has already informed the OP No. 2 but none turned  
up on behalf of the OP 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 15.01.2025 passed by the learned court of Addl.  
Sessions Judge I cum Special Judge, SC/ST (POA) Act, Siwan  
in connection with Maharajganj P.S. Case No. 462 of 2024  
dated 05.10.2024 registered for the offence/s punishable u/ss



126(2), 103(1), 61(2) read with 3(5) of the BNS, section 27 of the Arms Act and sections 3(I)(r)(s) / 3(2) (va) of the SC/ST (POA) Act.

3. As per the prosecution case, when the informant's father was going to market, in the meantime, the co-accused persons fired on him due to that he died on the spot. It is further alleged that the petitioner in connivance with the other co-accused persons got killed his father under conspiracy.

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 section SC/ST Act. It is further submitted that there is general and omnibus allegation against the appellant. The specific allegation of firing is against the co-accused Dhiraj Kumar Singh, Ankit Kumar Singh and Shivam Kumar Singh. It is further submitted that as per annexure-2, the petitioner Shubham Pratap Singh is a serving member of 3<sup>rd</sup> Battalion of The Bihar Regiment, was on parade from 09 August 2024 to 12 November 2024 and during this period he was



actively involved in training and administrative duties. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 08.12.2024.

5. Learned Spl. P.P. for the State has vehemently opposed the bail petition 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 15.01.2025 passed by the learned court of Addl. Sessions Judge I cum Special Judge, SC/ST (POA) Act, Siwan in connection with Maharajganj P.S. Case No. 462 of 2024, 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 court of Addl. Sessions Judge I cum Special Judge, SC/ST (POA) Act, Siwan in connection with Maharajganj P.S. Case No. 462 of 2024.

**(Chandra Prakash Singh, J)**

guddukr/-

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