

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1181 of 2025**

Arising Out of PS. Case No.-5 Year-2025 Thana- NOWKOTHI GARHPURA District-  
Begusarai

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MD. AFROJ S/O MD. EKRAMUL VILLAGE- SARAUNJA, WARD NO. 3,  
P.S.- BIRPUR, DISTRICT- BEGUSARAI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. UMESH SINGH S/O LATE RAMSAGAR SINGH R/O Vill.- Bikrampur,  
P.S.- Cheriabariyarpur, Dist.- Begusarai.

... .. Respondent/s

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**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Appellant/s  | : | Mr. Rahul Singh, Advocate     |
| For the Respondent/s | : | Mrs. Usha Kumari 1, Spl.PP    |
| For the Resp. No.2   | : | Mr. Shubhesh Pandey, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      25-07-2025                      Heard Mr. Rahul Singh, learned counsel for the  
  
appellant, Mr. Shubhesh Pandey, learned counsel appearing on  
  
behalf of the Respondent No. 2 as well as Mrs. Usha Kumari 1,  
  
learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against  
refusal of the prayer for regular bail by order dated 07.03.2025  
passed by the learned Court of Exclusive Special Judge, SC/ST  
(POA) Act, Begusarai in connection with Nawkothi P.S. Case  
No. 05 of 2025, F.I.R. dated 08.01.2025 registered under  
Sections 103, 61(2), 190 and 191(3) of the Bhartiya Nyaya  
Sanhita, 2023, Section 27 of the Arms Act and Sections 3(1) (r)  
(s), 3(2) (va), 3(2) (v) of the Scheduled Castes and Scheduled



Tribes (POA) Act.

3. According to the prosecution case, this appellant along with other accused persons armed with deadly weapon came at the brick kiln of the informant and brutally assaulted the workers and also shot fire upon one Laxaman Urao which resulted into his death.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case on the basis of the self confessional statement as well as confessional statement of the co-accused. He further submits that the appellant is not named in the F.I.R. As per the confessional statement of co-accused person, it is alleged that the appellant has assaulted to the injured persons and there is no allegation of firing against the appellant. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 17.02.2025.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that the name of the appellant has been transpired on the basis of the self confessional statement of the



appellant and apart from that the CCTV footage as well as the CDR Location of the appellant also suggest that the appellant was involved in the present crime in question.

6. Considering the facts and circumstances of the case that the appellant is not named in the F.I.R and his name has been transpired on the basis of self confessional statement as well as confessional statement of the co-accused person and apart from that there is no allegation against the appellant regarding firing upon the deceased, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Nawkothe P.S. Case No. 05 of 2025, with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

**(Rajesh Kumar Verma, J)**

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