

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1308 of 2025**

Arising Out of PS. Case No.-406 Year-2023 Thana- BACHHWARA District- Begusarai

Amresh Kumar S/O Fulena Mahto @ Fucho Mahato R/O Village- Rajauli
Chautha Chamtha, Ward No. 13, P.S- Bachhawara, Distt.-Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Niia Devi @ Nibha Devi W/O Chandan Paswan R/O Chamtha Rajauli, P.S-
Bachhwara, Distt.- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Perna Anand, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Dilip Kumar Roy, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-07-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant/Respondent No. 2.

2. Earlier regular bail of the appellant was rejected by
this Court vide order dated 23.08.2024 passed in Cr. Misc. No.
1721 of 2024. The present is the second application by way of
appeal for regular bail filed on behalf of the appellant.

3. The instant appeal has been filed by the appellant
against the order dated 23.02.2024 passed by the learned
Exclusive Special Judge, S.C./S.T. (POA) Act, Begusarai,
whereby the prayer for bail of the appellant in connection with
Bachhwara P.S. Case No. 406 of 2023 under Sections 307/34 of



the Indian Penal Code, read with Section 27 of the Arms Act and Section 3(2)(v) of SC/ST Act was rejected.

4. Learned counsel for the appellant submits that earlier the prayer for bail of the appellant was rejected on 23.08.2024 with a liberty to renew his prayer for bail if the trial is not concluded within a period of six months. It is next submitted that cognizance has been taken by the Court below on 09.09.2024 under Sections 307/34 of the Indian Penal Code, read with Sections 25(1-B)A, 27 of the Arms Act and Section 3(2)(v) of SC/ST Act and thereafter there is no any progress in this case, even the commitment has not been done. It is further submitted that the appellant is in custody since 19.12.2023 and has got no criminal antecedent.

5. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the appellant and since commitment has not yet been done as also there is no progress in the trial, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 23.02.2024 passed by the learned Exclusive Special Judge, S.C./S.T. (POA) Act, Begusarai, is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Bachhwara P.S. Case No. 406 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

