

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1382 of 2025**

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

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Shyam Bhawe Singh S/o- Late Ram Suresh Singh Village- Bhairwar Ps-
Lakho Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Umesh Singh S/o- Late Ramsagar Singh Village- Bikrampur Ps-
Cheriabariyarpur Dist- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.P.P.
For the Resp. No. 2	:	Mr. Shubhesh Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-07-2025 Heard Mr. Rakesh Kumar, learned counsel for the

appellant, Mr. Shubhesh Pandey, learned counsel appearing on

behalf of the Respondent No. 2 as well as Mr. 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 21.03.2025
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 130, 61(2), 190, 191(3) of the Bhartiya Nyaya Sanhita,
2023 and Sections 3(1)(a)(s), 3(2)(va) 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 is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that the appellant is not named in the F.I.R. and the name of the appellant has been transpired during investigation on the basis of the self confessional statement of the appellant which was take by the SHO, Nawkothe and the same was mentioned in paragraph no. 16 of the case diary. Apart from the aforesaid, no other material has come during investigation to suggest the involvement of the appellant in the present occurrence. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 13.01.2025.

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 appellant has confessed his guilt in the present occurrence but fairly submits that there is no allegation of firing against the appellant and the only allegation against him is that he along with other accused persons have assaulted the other persons.

6. Considering the facts and circumstances of the case that the appellant has clean antecedent and except the self confessional statement of the appellant, no other material has come during investigation to suggest the involvement of the appellant in the present occurrence, 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 Nawkothi 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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