

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2077 of 2025

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

GANESH SHANKAR Son of Brijnandan Kumar Resident of village -
Birupur, P.S.- Lakhisarai, District – Lakhisarai. Appellant/s
Versus

1. The State of Bihar
2. Umesh Singh Son of Late Ramsagar Singh Resident of village - Bikrampur,
P.S.- Cheriya Bariyarpur, District - Begusarai.
... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pushpendra Kumar Singh, Advocate
For the Resp. No.2	:	Mr. Shubhesh Pandey, Advocate
	:	Mr. Amit Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2025 Heard Mr. Pushpendra Kumar Singh, learned
counsel for the appellant as well as Mr. Shubhesh Pandey,
learned counsel for the Respondent No.2 and 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 anticipatory bail by order dated
08.05.2025 passed by the learned Court of Exclusive Special
Judge, SC/ST (POA) Act, Begusarai in A.B.A. No.871 of 2025
arising out of Nawkothi P.S. Case No. 05 of 2025, F.I.R. dated
08.01.2025 registered under Sections 103, 61(2), 190, 191(3) of
Bharatiya Nyay Sanhita, 2023 and Section 27 of Arms Act and
Sections 3(1)(r) (s), 3(2)(v) of the Scheduled Castes and
Scheduled Tribes Act.



3. According to the prosecution case, the informant is the proprietor of A-one Brick Kiln located at Pahsara and on 07.01.2025 at about 11-12 p.m, 7-8 unknown miscreants armed with weapons came to his brick kiln and brutally assaulted the workers.

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 appellant is not named in the FIR and even informant is not the eye witness of the alleged occurrence and he has filed the present case merely on the basis of suspicion and during investigation, on the basis of CCTV footage, other persons were also made accused in the present case and co-accused person, namely, Binod Singh confessed that the appellant was also involved in the present crime in question and except the aforesaid, no other cogent material is there which suggest the involvement of the appellant in the present occurrence.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent No.2 have vehemently opposed the prayer for bail of the appellant and submits that although the appellant is not named in the FIR but his name transpired on the basis of confessional statement of co-accused



person which suggest that the appellant was also involved in the present crime in question and apart from that appellant carries one criminal antecedent other than the present one.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts and circumstances, appellant is not named in the FIR and his name transpired on the basis of confessional statement of co-accused person and except the aforesaid, no other cogent material is there which suggest the involvement of the appellant in the present occurrence, let the appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and 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 has 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.

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

(Rajesh Kumar Verma, J)

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