

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2093 of 2025**

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

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Biresh Kumar S/o Binod Kumar Singh @ Bablu Singh R/o Village- Panhas,
Ward No. 26, P.S.- Lohiyanagar, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Umesh Singh S/o Late Ramsagar Singh R/o Village- Bikrampur, P.S.-
Cheriya Bariyarpur, District- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Pushpendra Kumar Singh, 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**

2 04-07-2025 Heard Mr. Pushpendra Kumar Singh, learned
counsel for the appellant, Mr. Shubhesh Pandey learned counsel
for 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 anticipatory bail by order dated
08.05.2025 passed by the learned Court of Exclusive Special
Judge, SC/ST (POA) Act, Begusarai in ABA No. 850 of 2025 in
connection with Nowkhathi P.S. Case No. 05 of 2025, F.I.R.
dated 08.01.2025 registered under Sections 103, 61(2), 190,
191(3) of the Bhartiya Nyaya Sanhita, 2023, Section 27 of the
Arms Act and Sections 3(1) (r) (s), 3(2) (va) and 3(2) (v) of the



Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, this appellant along with other accused persons armed with deadly weapon brutally assaulted the labourers working in the brick kiln of the informant and also killed Lakshman Uraon who came to rescue the labourers.

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. He further submits that it appears from the F.I.R. itself that the informant is not the eye witness of the alleged occurrence and he has filed the present case merely on the basis of suspicion and on the basis of CCTV footage other persons were also made accused in this present case. It also appears from the F.I.R. that the name of the appellant has been transpired on the basis of suspicion and the informant suspects that the appellant might have hand in committing the crime in question. According to the F.I.R., the police have identified one Manjesh Kumar in the



CCTV footage and except 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 similarly situated co-accused, namely, Prahalad Kumar has been granted anticipatory bail by this Court vide order dated 01.07.2025 passed in Cr. Appeal (SJ) No. 1861 of 2025 and another co-accused, namely, Ganesh Shankar has also been granted anticipatory bail by this Court vide order dated 24.06.2025 passed in Cr. Appeal (SJ) No. 2077 of 2025.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the Respondent No. 2 have vehemently opposed the prayer for bail of the appellant and submits that the appellant along with other accused persons have participated in the present crime in question. There is specific allegation in the F.I.R that the appellant along with other accused persons have killed the deceased. Apart from that the witnesses have also supported the allegation as alleged in the F.I.R. They further submits that the 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 that no case is made out against the appellant under the SC/ST Act as well as the similarly situated co-accused persons have been granted anticipatory bail by this Court, let the appellant, above named, in the event of his arrest or 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 Nowkothi 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 his appeal stands allowed.

(Rajesh Kumar Verma, J)

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