

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2355 of 2025

Arising Out of PS. Case No.-14 Year-2023 Thana- KAMTAUL District- Darbhanga

Abhimanu Kumar Singh @ Abhimannu Kumar Singh @ Abhimanyu Kumar Singh S/O Jay Nandan Kumar Singh R/O Village- Kewatsa, P.S- Gaighat, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Kusha Devi W/O Late Pramod Paswan R/O Village- Madhopatti, P.S- Kamtaul, Dist.- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kedar Jha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 09-10-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 17.04.2025 passed by the learned Exclusive Judge, SC/ST (POA) Act, Darbhanga in connection with Kamtaul P.S. Case No. 14 of 2023 dated 23.01.2023 registered for the offence/s punishable u/s 302 read with Section 34 of the Indian Penal Code and Sections 27 of Arms Act and Section 3(1)(r) and 3(1)(s) of SC/ST (POA) Act.



3. As per the prosecution case, on 22.01.2023, the informant's husband was doing the duty of night guard at Manokamna petrol pump. It is alleged that at 2:00 AM, on hearing the sound of vehicle, the informant's husband came outside and found that some people are said to have made conversation with one another. It is further alleged that as soon as miscreants saw the informant's husband, they abused him calling his caste name and also told to shoot. The miscreants fired which hit upon the left rib of the informant's husband as a result of which he became unconscious and fell down on the ground. On hulla, local people and the informant's son came there and seeing them the miscreants started firing. It is further alleged that the miscreants after leaving one tempo and motorcycle without number plate, fled away from the place of occurrence. The informant's husband died in the way to hospital. Hence, FIR was registered against unknown.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case. The appellant is not named in the FIR. The name of the appellant has surfaced in this case during the course of investigation. It is further submitted that the trial court reported that the charge has been framed on 27.06.2024 and total 7 prosecution witnesses



have been examined till today. It is further submitted that there is general and omnibus allegation against the appellant. There is no specific allegation against the appellant rather the specific allegation of firing is against the co-accused, Raja Kamat and his bail application was rejected by this court vide order dated 08.05.2025 passed in Cr. Appeal (SJ) No. 3522/2024. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The co-accused person has already been granted bail by this Court vide order dated 08.05.2025 passed in Cr. Appeal (S.J.) No. 3439/2024. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 28.03.2023.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submitted that the bail application of the appellant was earlier rejected by the Coordinate Bench of this court vide order dated 07.12.2023 passed in Cr. Appeal (SJ) No. 4023/2023.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 17.04.2025 passed by the learned Exclusive Judge, SC/ST (POA) Act, Darbhanga in connection with Kamtaul P.S. Case



No. 14 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Judge, SC/ST (POA) Act, Darbhanga in connection with Kamtaul P.S. Case No. 14 of 2023, with following condition:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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