

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.552 of 2026

Arising Out of PS. Case No.-597 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Shivajee Kumar Singh @ Shivajee Singh @ Shivji Singh @ Shivji Kumar
Son of Susheel Singh Resident of Mohalla - Gangjala, ward no 16(Near
Income Tax office), P.S. - Saharsa, District - Saharsa.

... Appellant/s

Versus

1. The State of Bihar
2. Umesh Paswan Son of Late Biko Paswan Resident of Koshi Colony, Ward no. 17, P.S. - Saharsa, District - Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Rashmi Jha, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP
For the Resp. No.2 : Mr. Madhav Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-06-2026 Heard Mrs. Rashmi Jha, learned counsel for the
appellant and Mr. Madhav Jha, learned counsel appearing on
behalf of 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 regular bail by order dated 07.01.2026 passed by the learned Court of Additional District & Sessions Judge-I-cum-Special Judge (SC/ST Act), Saharsa in connection with Saharsa Sadar P.S. Case No. 597 of 2025, F.I.R. dated 23.05.2025 registered under Sections 103(1) of the Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.



3. According to the prosecution case, the informant alleged that the petitioner along with other accused persons conspired and killed his son.

4. Learned counsel for the appellant submits that appellant has clean antecedent 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. From bare perusal of the FIR it appears that the informant is not the eye witness of the present case and merely on the basis of suspicion he has falsely implicated the appellant and except the suspicion, no other cogent material has come during investigation which suggest that the appellant is involved in the present crime in question and the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 10.08.2025.

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 submit that the appellant was arrested and he has confessed his guilt in the present occurrence but fairly submits that except the confessional statement of the appellant, no other



cogent material has come during investigation which suggest that the appellant is involved in the present crime in question.

6. Considering the facts and circumstances of the case, 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 Additional District & Sessions Judge-I-cum-Special Judge (SC/ST Act), Saharsa in connection with Saharsa Sadar P.S. Case No. 597 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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