

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3434 of 2025

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

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Nitish Kumar @ Nitish Kumar Singh S/o Ramchandra Mahto Resident of
village- Ward no 03, Arazi Rasulpur Pakri, Muzaffra, P.S.- Muffasil, Distt-
Begusarai

... .. Appellant/s

Versus

1. The State of Bihar.
2. Umesh Singh S/o Late Ramsagar Singh R/o Vill- Bikrampur, P.S.- Cheria
Bariyarpur, Distt- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vinod Gautam, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-02-2026 Heard the parties.

2. This appeal has been filed for setting aside the order dated 31.07.2025 passed by learned Exclusive Special Judge, SC/ST(POA) Act, Begusarai in connection with Nowkothi P.S. Case No. 05 of 2025 registered for the offence punishable under sections 103, 61(2), 190, 191(3) of the BNS, Section 27 of the Arms Act and Sections 3 (1)(r)(s) and 3(2)(va) of the SC/ST (POA) Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution story, the informant, a proprietor of a brick kiln, alleged that on 07.01.2025, eleven to twelve persons entered the place and after brutally assaulting the



labours, shot dead one Birsa Urao of Jharkhand. Thereafter, the Police was called and the CCTV footage recorded one Manjesh Kumar. This followed the FIR.

4. Subsequently, Manjesh Kumar was taken into custody and according to him, Vinod @ Bablu Singh and Raushan Singh had put in their money and wanted the brick kiln to be closed. As such, conspired that if someone is killed in the kiln, it will be closed. Later, alongwith all the accused persons, including this appellant, went to the place and allegation is that assault took place following which Manjesh Kumar and Bablu @ Vinod opened fire causing injury which resulted into the death. This has been recorded in paragraph-184 of the case diary.

5. Learned counsel for the appellant submits that he has no criminal antecedent, no caste abuse allegation can be made against him in the backdrop of the fact that he had absolutely no knowledge of the crime which was conspired by Bablu Singh and Raushan Kumar in which Manjesh Kumar participated actively. Though his presence has been shown, no role attributed and further, cognizance has not been taken in the matter.

6. Learned counsel representing the informant on the



other hand submitted that his CDR location was at the place of occurrence.

7. Considering the submission of the parties as also that so far as this appellant is concerned, it is not clear that whether he had knowledge about the person who has been killed is belonging to SC/ST Community, the matter is still at investigation stage and Manjesh Kumar has given details of the assault which included Bablu Singh and Raushan Singh, though the presence has been shown, no role has been attributed to this appellant and he has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of bail.

8. The impugned order dated 31.07.2025 passed by learned Exclusive Special Judge, SC/ST(POA) Act, Begusarai in connection with Nowkothi P.S. Case No. 05 of 2025 stands set aside and the appeal is allowed.

9. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Nowkothi P.S. Case No. 05 of 2025 subject



to the following conditions:

(i) one of the bailor should be the family member/relative of the appellant who shall provide official document to show his/her bona fide;

(ii) the appellant shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the appellant shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the appellant shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the appellant shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the appellant shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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