

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3937 of 2025

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

=====

Manjesh Kumar S/o Bambam Singh @ Bam Singh @ Shyam Kishor Singh
R/o vill - Bhairwar, P.s.- Lakho, Dist- Begusarai

... .. Appellant/s

Versus

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

... .. Respondent/s

=====

Appearance :

For the Appellant	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Pushpendra Kumar Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	Mr. Amalendu Shekhar Thakur, Advocate Mr. Shubhesh Pandey, Advocate Mr. Amit Kumar Mishra, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 19-03-2026 Heard learned senior counsel appearing for the

appellant, learned Special Public Prosecutor appearing for the

respondent-State and learned counsel appearing for the

informant/Respondent No. 2.

2. This appeal has been filed for setting aside order
dated 10.07.2025 passed in a case registered for the offence
punishable under Sections 103, 61(2), 190 and 191(3) of the
B.N.S., 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
(Prevention of Atrocities) Act, whereby the prayer for grant of



bail to the appellant has been rejected.

3. The prosecution case, in brief, informant, namely Umesh Singh, who is proprietor of A-one Brick Kiln, alleged that on 07.01.2025 at about 11-12 PM at night, 7 to 8 unknown miscreants, having arms and *lathi*, came to his brick kiln and brutally assaulted the workers who were working in the brick kiln and when one Laxman Uraon came to rescue then they shot on him due to which he died and his dead body was thrown in the north direction of brick kiln. Next day, at about 6 AM, informant received a call that the dead body was thrown towards north of the brick kiln then the informant called local police station then the police official reached there and this appellant was identified in CCTV footage. The injured was taken to the hospital for treatment. The informant suspects that all the F.I.R. named accused persons, including this appellant, are involved in the said occurrence.

4. It is submitted by learned senior counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. According to F.I.R., informant is not an eye witness to the occurrence and appellant has falsely been implicated in this case merely on suspicion. Though, this



appellant was seen in the C.C.T.V. footage but during trial, P.W. 1 and P.W.2 have not named this appellant and P.W. 3 stated that he saw three persons, including this appellant, fleeing from the place of occurrence and as such, none of them have seen this appellant committing the alleged offence. At best, this petitioner was only seen fleeing from the place of occurrence. Moreover, there is absolutely no allegation of abuse by caste name against this appellant and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant is in custody since 19.03.2025.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, materials that have surfaced during investigation and period of custody, this appeal is allowed and the impugned order dated 10.07.2025 passed by the learned Exclusive Special Judge, S.C./S.T. (POA) Act, Begusarai in connection with Nawkothe P.S. Case No. 05 of 2025 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, 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 Exclusive Special Judge, S.C./S.T. (POA) Act, Begusarai in connection with Nawkothi P.S. Case No. 05 2025.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

