

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4225 of 2025

Arising Out of PS. Case No.-294 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Pampam Kumar Singh Son of Bambam Kumar Singh Resident of Village -
Boriya Dih, P.S. - Bibhutipur, Dist. - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pankaj Kumar Son of Raj Kumar Paswan R/o Village - Boriya Dih, P.S. -
Bibhutipur, Dist. - Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raja Ram Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 28-01-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 12.09.2025 passed by learned Special Judge, SC/ST (POA) Act, Samastipur whereby the prayer for bail of the appellant in connection with Bibhutipur P.S. Case No. 294 of 2025 under Sections 126(2), 115(2), 118(2), 109, 352, 351(2) of B.N.S., Section 25(1-B)a and 27 of the Arms Act and Sections 3(1) (r) and 3(1)(s) of SC/ST (POA) Act was rejected.

3. The case of the prosecution in short is that the appellant is a beetle seller, and before his shop, Rahul Kumar



and Bajrangi Sah have parked their bike, and they were smoking a cigarette. The uncle of the informant, namely, Rajnath Paswan, was honking his bike for removing the bikes of Rahul and Bajrangi, but they were not removing their bikes. It is further alleged that the appellant instigated Rahul and Bajrangi not to remove their bike before his shop, as they are their regular customers. It is further alleged that Rahul Kumar Rai and Bajrangi started firing, and one of Rahul Kumar's shots hit the informant in the cheek, and one Ram Lagan Paswan also received gunshot injuries in his eye and head.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Learned counsel for the appellant submits that from perusal of the FIR, it is clear that the only allegation against the appellant is that he has instigated the main assailant not to remove their bike from his shop; as such, there is no allegation against him that he has instigated the assailant to fire. He also submits that as far as the allegation of abusing with caste names is concerned, it is general and omnibus in nature. There is no role of the appellant in this case. He further submits that the appellant is languishing in judicial custody since 19.07.2025.

5. The appeal for bail is vehemently opposed by the



learned counsel for the informant and the learned Spl. P.P. for the State. Learned counsel for the informant submits that there is a group of the appellant and others who have created terror in the area but has conceded that there is no specific allegation against this appellant for firing on any person.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 12.09.2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Bibhutipur P.S. Case No. 294 of 2025 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Samastipur.

(Ashok Kumar Pandey, J)

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