

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4398 of 2025

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

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1. Kanhaiya Paswan S/o Ugandev Paswan R/o village - Lakhanpur, Nabtoliya, Ward No. 8, P.S - Birpur, District - Begusarai
 2. Niraj Kumar S/o Arun Paswan R/o village - Saraunja, Ward No. 2, P.S - Birpur, District - Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nakul Kumar Jamuar, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 10-04-2026 Despite valid service of notice upon Respondent No.2, no one appeared on behalf of Respondent No.2.

2. Heard Mr. Nakul Kumar Jamuar, learned counsel for the appellants as well as Mrs. Usha Kumari 1, learned S.P.P. for the State.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 19.09.2025 passed by the learned Court of Exclusive Special judge SC/ST (POA), Begusarai in connection with Nawkothi P.S. Case No. 05 of 2025, F.I.R. dated 08.01.2025 registered under Sections 103, 61(2), 190, 191(3) of the Bharatiya Nyay Sanhita, 2023, Section 27 of Arms Act and Sections 3(1) (r) (s)/3(2)(va)(v) of



the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, appellants along with other accused persons armed with deadly weapon came at the brick kiln of the informant and brutally assaulted the workers and also shot fire upon one Laxman Urao which resulted into his death.

5. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. He further submits that initially the appellants were not named in the FIR and their name transpired during investigation on the basis of confessional statement of co-accused, namely, Md. Afroj which was recorded in paragraph no.107 of the case diary in which the co-accused has stated that he had not seen the occurrence and he has named the appellants based on hearsay evidence. He further submits that except the confessional statement of co-accused, no other cogent material has come during investigation which suggest the involvement of the appellants in the present occurrence and similarly situated co-accused person, namely, Shyam Bhawe Singh has been granted the privilege of bail by this Court vide order dated 01.07.2025 in Cr. Appl.(SJ) No. 1382 of 2025 and the police, after investigation, submitted charge sheet against the



appellants. The appellants are in custody since 07.08.2025.

6. Learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants and submits that as per CDR location, the appellant were present near place of occurrence and apart from that, the appellant no.1 carries four criminal antecedents other than the present one in which he is on bail and appellant no.2 carries one criminal antecedent.

7. Considering the facts and circumstances of the case as well as the fact that appellants are not named in the FIR and similarly situated co-accused person has been granted the privilege of bail by this Court, let the appellants, 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 Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Nawkothi P.S. Case No. 05 of 2025, with other following conditions:-

i. Appellants 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 their absence on two consecutive dates without sufficient reason, thier bail bond shall be cancelled by the Court below.



ii. If the appellants tamper 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 appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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