

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.688 of 2025**

Arising Out of PS. Case No.-268 Year-2024 Thana- KHIJARSARAI District- Gaya

1. Nepali Chaudhary @ Sahdev Kumar @ Sahdeo Kumar Chaudhary S/o Ramprit Chaudhary Resident of Village - Beldari, PS- Khizarsarai, District -Gaya
2. Dhananjay Chaudhary @ Dhajay Chaudhary @ Dhananjay Kumar S/o Ramprit Chudhary Resident of Village - Beldari, PS- Khizarsarai, District -Gaya
3. Ranjay Chaudhary @ Ranjay Kumar S/o Ramprit Chudhary Resident of Village - Beldari, PS- Khizarsarai, District -Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalita Devi W/o Late Sajan Manjhi R/o vill - Musepur, P.S.- Khizarsarai, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 19-06-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State. Despite valid issuance of notice, none appears for the appellants.

2. The instant appeal has been filed by the appellants against the order dated 22-01-2025 passed by Exclusive Court of Special Judge, SC/ST Gaya, whereby the prayer for bail of the appellants in connection with Khizarsarai PS Case No. 268 of 2024 registered under Sections 103(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) &



3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that appellants have allegedly killed the husband of the informant.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellants submits that there is no specific allegation against the appellants, rather allegation is general and omnibus in nature. Learned counsel submits that expect suspicion, there is nothing against the appellants. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against them. The appellants has no intention to disgrace the image of the informant in public view. The appellants are in custody since 19-12-2024 and have no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellants. It is submitted that independent witnesses have fully supported the prosecution case. As per postmortem report, opinion is reserved on the cause of death.



6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation against the appellants and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 22-01-2025 passed by Exclusive Court of Special Judge, SC/ST Gaya is hereby set aside.

7. Let the appellants be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khizarsarai PS Case No. 268 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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