

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.702 of 2025

Arising Out of PS. Case No.-351 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

Phool Chand Singh S/O Late Ramdeo Singh R/O Vill.- Maniyagachi, P.S.-
Uda Kishunganj, Dist.- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Rishideo S/O Late Karthik Rishideo R/O Vill.- Budhma, Tola Orai,
Ward no. 10, P.S.- Uda Kishunganj, Dist.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 02-09-2025 1. Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 27.01.2025 in A.B.P. No. 61 of 2025 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhepura in connection with Uda Kishunganj P.S. Case No. 351 of 2022 registered under Sections 302 and 120B of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(2)(v) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellant submits that from



perusal of the office report dated 04.08.2025, it would manifest that notice on behalf of the respondent no. 2 has been received by his wife.

4. Since notice has been received by the wife of the respondent no. 2, hence, the notice is deemed to be validly served but then no one appears on behalf of the respondent no. 2 to contest the case.

5. Learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation is alleged against the appellant rather the informant alleges that Shiv Narayan Sharma gave orders to fire thereafter co-accused Akailu Mandal, Kailash Singh and Uday Singh fired on the father of the informant on account of which he died. It is further submitted that Shiv Narayan Sharma has been granted the privilege of anticipatory bail by an order dated 05.07.2023 in Cr. Appeal (SJ) No. 1356 of 2023. It is next submitted that similarly situated co-accused Vikky Singh and Dilwar Singh were granted the privilege of anticipatory bail by an order dated 19.11.2024 in Cr. Appeal (SJ) No. 2459 of 2023 passed by a learned Coordinate Bench of this Court.



6. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

7. Considering the aforesaid submissions, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

Kundan/-

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

