

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3536 of 2025**

Arising Out of PS. Case No.-209 Year-2025 Thana- KATEYA District- Gopalganj

Shambhu Ansari son of Isha Ansari @ Isha Miyan Village- Mujaha, PO-
Rajapur, PS -Kateya, District -Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Dharmendra Kumar son of Sonu Gond Village- Mujaha, PO- Rajapur, PS
-Kateya, District -Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Devashish Giri, Adv
For the Respondent/s : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 30-10-2025 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. Learned counsel for the appellant seeks permission
to make necessary correction in paragraph no. 10 and ground
no. III of the bail petition.

3. This is an appeal under Section 14(A) (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989, against the rejection of prayer for bail
vide order dated 25.07.2025 passed by the learned District and
Additional Sessions Judge-XI-cum-Exclusive Special Judge
SC/ST Act, Gopalganj, in connection with Kateya P.S. Case No.



209 of 2025 dated 19.04.2025 registered for the offence/s punishable u/ss 191(2), 191(3), 190, 126(2), 118(1), 115(2), 103(1), 109 of the B.N.S. and Section 3(1) (r), 3(1)(s), 3(1)(w) & 3(2)(va) of the SC/ST Act.

4. As per the prosecution case, on 18.04.2025 at about 05:30 P.M., a dispute arose between Vikash Yadav and Tiger over increasing the speed of the tractor thresher, thereafter, the co-accused Rafiq Ansari kicked Vikash Yadav but somehow the matter was resolved. It is further alleged that on 18.04.2025 at about 09:45 P.M., the informant along with his brother (Sikandar Kumar Gond) and friend, namely, Vikash Yadav was returning to home, in the meantime, all the FIR named accused persons including the appellant, namely, Shambu Ansari came with lathi, danda and iron rod and started assaulting the informant and his brother due to which they got severely injured subsequently, brother of the informant, namely, Sikandar Kumar Gond died on the spot.

5. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. The allegation against the appellant is general and omnibus in



nature. As per the statement of the mother of the informant, no allegation of assault on the deceased has been made out against the appellant rather the allegation is against the co-accused Raja Hussain @ Tiger of giving a knife blow on the chest of the deceased. It is further submitted that the charge sheet has already been submitted. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. The appellant has clean antecedent as stated in para 3 of the bail petition. The appellant is in custody since 21.04.2025.

6. Learned Spl. P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the appellant and submitted that all the accused persons including the appellant have brutally assaulted the informant and his brother due to which the brother of the informant died on the spot and as per the post mortem report, one incised wound over right side of the sternum has been found on the dead body of the deceased caused by the sharp cutting substance, hence, he does not deserve the liberty of bail.

7. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated



25.07.2025 passed by the learned District and Additional Sessions Judge-XI-cum-Exclusive Special Judge SC/ST Act, Gopalganj, in connection with Kateya P.S. Case No. 209 of 2025, is set aside against the appellant. The criminal appeal is allowed.

8. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-XI-cum-Exclusive Special Judge SC/ST Act, Gopalganj, in connection with Kateya P.S. Case No. 209 of 2025, with a condition:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant is liable to be cancelled.

(Chandra Prakash Singh, J)

Jyoti/-

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

