

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.363 of 2026

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

Subodh Singh @ Subodh Kumar S/O Sri Suresh Singh R/O Village- Musepur,
P.S.- Khizersarai, District- Gaya ji

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalita Devi W/O Late Sajan Manjhi, D/O Dil Bodhan Manjhi R/O Village-
Musepur, P.S.- Khizersarai, District- Gaya ji

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Upendra Yadav, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-07-2026 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 28.11.2025 passed in a case registered for the offence
punishable under Sections 103(1) and 3(5) of the B.N.S. and
Sections 3(i)(r)(s) and 3(2)(v) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the
prayer for grant of bail to the appellant has been rejected.



4. The prosecution case, in brief, is that all the F.I.R. named accused persons, including this appellant, killed husband of informant by brutally assaulting him.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. Informant is not an eye witness to the occurrence and appellant has falsely been implicated in this case merely on suspicion. Allegation of assault is general and omnibus and no specific accusation of overt act has been levelled against this appellant. From bare perusal of the F.I.R. it is apparent that there is absolutely no allegation of abuse by caste name and as such, no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. It is further submitted that similarly situated co-accused persons have already been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 19.06.2025 passed in Cr. Appeal (SJ) No. 688 of 2025. Appellant has got no criminal antecedents and he is in custody since 14.11.2025.

6. Learned Spl. P.P. appearing for the respondent-State has vehemently opposed the prayer for grant of bail to the



appellant.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, claim based on parity, period of custody and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 28.11.2025 passed by the learned Exclusive Special Judge, S.C./S.T. (POA) Act, Gaya Ji in connection with C.I.S. No.-Bail Appl. Spl. Act 3720 of 2025 arising out of Khizersarai P.S. Case No. 268 of 2024 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, named above, 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 Exclusive Special Judge, S.C./S.T. (POA) Act, Gaya Ji in connection with Khizersarai P.S. Case No. 268 of 2024.

(Prabhat Kumar Singh, J)

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