

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.461 of 2026

Arising Out of PS. Case No.-265 Year-2020 Thana- BIRPUR District- Supaul

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1. Fulchand Mehta @ Fulchand Mehata S/o Late Mohan Mehta R/o Village - Ranipatti, P.S - Birpur, District - Supaul
 2. Ramanand Mehta S/o Late Ramprasad Mehta R/o Village - Ranipatti, P.S - Birpur, District - Supaul
 3. Sanjeev Mehta @ Sanjeet Kumar Suman @ Sanjeev Kumar Suman S/o Bishundeo Mehta R/o Village - Gidarmari, P.S - Birpur, District - Supaul
 4. Ranjan Mehta @ Abinash Kumar S/o Arun Kumar Mehta R/o Village - Gidarmari, P.S - Birpur, District - Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Shanti Devi W/o Late Asarfi Sada R/o Village - Ranipatti, Ward No. 01, P.S - Birpur, District - Supaul

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Murari Narain Chaudhary, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Patla Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-07-2026 Heard learned senior counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 19.01.2026 passed in a case registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s) and 3(2)(va)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of bail of these appellants has been rejected.

3. As per prosecution case, it is alleged that all the F.I.R. named accused persons, including these appellants, killed husband of informant by firing upon him.

4. It is submitted by learned senior counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of causing fire arm injury to the deceased is against co-accused Ram Chandra Mehta, S/o Hari Prasad Mehta. So far as these appellants are concerned, there is general and omnibus nature of accusation and no specific allegation of overt act has been levelled against them. 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 case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. It is further submitted that similarly situated co-accused person has already been granted bail by this Hon'ble Court vide order dated 22.11.2024 passed in *Cr. Appeal (SJ)*



Nos. 4560 of 2023. Appellants have got no criminal antecedents and they are in custody since 25.12.2025. Moreover, charge-sheet has already been submitted.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellants.

6. 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 appellants, this appeal is allowed and the impugned order dated 19.01.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Supaul in connection with S.C./S.T. Case No. 151 of 2020 arising out of Birpur P.S. Case No. 265 of 2020 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Supaul in connection with Birpur P.S. Case No.



265 of 2020.

(Prabhat Kumar Singh, J)

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