

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.932 of 2026

Arising Out of PS. Case No.-520 Year-2025 Thana- KHAJEKALA District- Patna

Shyam Kumar son of Manohar Rai Resident of village- Nauzar Katra, Diwan
Mohalla, P.S.- Khajekala, District- Patna

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Abhishek Kumar son of Late Satrudhan Paswan Resident of village- Diwan
Mohalla, Nauzar Katra, P.S.- Khajekala, District- Patna

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 961 of 2026

Arising Out of PS. Case No.-520 Year-2025 Thana- KHAJEKALA District- Patna

Manohar Rai Son of Tileshwar Rai Resident of village- Nauzar Katra, Diwan
Mohalla, P.S.- Khajekala, District- Patna

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Abhishek Kumar Son of Late Satrudhan Paswan Resident of village- Diwan
Mohalla, Nauzar Katra, Ps- Khajekala, Dist- Patna

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 932 of 2026)
For the Appellant/s : Mr. Vijay Kumar Sinha
For the State : Mr. Sadanand Paswan, Spl. PP
(In CRIMINAL APPEAL (SJ) No. 961 of 2026)
For the Appellant/s : Mr. Vijay Kumar Sinha
For the Respondent/s : Mrs. Usha Kumari 1,Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-07-2026 Heard learned counsel for the appellants and the

learned counsel representing the respondent no. 2 as also



learned Spl. PP representing the State.

2. This appeal has been filed for setting aside the order dated 07.02.2026 passed by Learned Exclusive Special Judge SC/ST Act, Civil Court Sadar, Patna in connection with Khajekala P.S. Case No. 520 of 2025 registered for the offence punishable under sections 103(1), 61(2) (a), 3(5) of the B.N.S. Act 2023 whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution story, the informant alleged that while his nephew was playing, suddenly they heard gun shot and found him to be injured. Prem Kumar was running with a rifle in his hand while Krishna Kumar was following him. Further allegation is that the child was taken to the N.M.C.H., Patna but was declared dead. Further, the accused persons regularly used to threaten them of dire consequences and used to take caste name which include these appellants also. This led to the FIR.

4. Learned counsel for the appellants submit that main allegation is against Prem Kumar who was carrying the gun and Krishna Kumar who was following him. No role has been assigned to this appellant and only because he belongs to the extended family, implicated. Further, though the informant talks



about using the caste name, neither it has been specified what was the abuse that took place and whether it was in full public view or not as such the aforesaid Section of the SC/ST Act is not applicable.

5. Learned counsel representing respondent no.2, on the other hand submit that these appellants have criminal antecedent and the entire family earlier used to abuse which followed the killing of the innocent child.

6. Taking into account the submissions of the parties as also that main role has been assigned to Prem Kumar and Krishna Kumar, no role has been assigned to these appellants, the other points raised by the learned counsel for the appellants have also taken note of, in that background, this Court is inclined to extend them relief.

7. The impugned order dated 07.02.2026 stands set aside and the appeal is allowed.

8. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two in connection with sureties of the like amount each to the satisfaction of the learned Learned Exclusive Special Judge



SC/ST Act, Civil Court Sadar, Patna in connection with Khajekala P.S. Case No. 520 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the appellant who shall provide official document to show his/her bonafide;

(ii) the appellant shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the appellant shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the appellant shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the appellant shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(vi) the appellant shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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