IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1104 of 2026

CNR No. BRHC010280662026

Arising Out of PS. Case No.-507 Year-2025 Thana- HISUWA District- Nawada

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Lushar Manjhi S/O Late Shukar Manjhi Resident of Village/Mohalla- Panchugarh, Hisua, Police Station -Hisua, District - Nawada.

... ... Appellant/s

Versus

1. The State of Bihar
2. Smt. Samundari Devi W/O Late Gaya Manjhi R/O Village/Mohalla- Panchu Garh, Mushahari, P.S- Hisua, Distt.- Nawada.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Arjun Prasad, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

4 29-10-2026 Heard learned counsel for the appellant and learned Spl. P.P. for the State.

2. This is an appeal under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 30.10.2025 passed by the learned Exclusive Special Judge, Special Court SC/ST (POA) Act, Nawada in connection with B.P. No.1546 of 2025 arising out of Hisua P.S. Case No. 507 of 2025 registered for the offences punishable under Sections 191(2), 190, 103(1), 103(2), 115(2) & 109 of the Bharatiya Nyaya Sanhita, Sections 3 & 4 of Bihar Dayan Act and under Sections 3(1)(r), 3(1)(s) and 3(2)(v)

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of the SC/ST Act.

3. The case of the respondent, in short, is that the appellant along with other co-accused persons has murdered the husband of the informant. They also decided to burn the informant Samudri Devi with deceased Gaya Manjhi.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. He has falsely been implicated in this case. It has been submitted that from perusal of the FIR it will transpire that in this case altogether 21 named and 10-15 unnamed accused persons are there. The nature of allegation is general and omnibus. It has been submitted that there is no specific allegation against this appellant. It has further been submitted that charge-sheet has been filed in this case and the appeal filed by similarly situated co-accused persons have been allowed by this Court vide Cr.App.(S.J.) No. 4462 of 2025 with 1038 of 2026. The present appeal stands on similar footing. It has lastly been submitted that the appellant is having no criminal antecedent and he is languishing in judicial custody since 28.08.2025.

5. Learned Special Public Prosecutor for the State has vehemently opposed the present appeal.

6. In view of the submissions made by the learned

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counsel for the appellant, the order dated 30.10.2025 passed by the learned Exclusive Special Judge, Special Court SC/ST (POA) Act, Nawada in connection with B.P. No.1546 of 2025 arising out of Hisua P.S. Case No. 507 of 2025 is hereby set aside and the appellant above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Judge, Special Court SC/ST (POA) Act, Nawada in connection with B.P. No.1546 of 2025 arising out of Hisua P.S. Case No. 507 of 2025.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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