

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1541 of 2025

Arising Out of PS. Case No.-305 Year-2023 Thana- KHAJEKALA District- Patna

Manoj Chaudhary @ Manoj Kumar Chaudhary @ Angrej S/o Jaglal
Chaudhary R/o Mohalla - Durga Charan Lane, P.s.- Alamganj, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Vicky Kumar Choudhary @ Vicky Choudhary S/o Yogendra Choudhary R/o
Mohalla - Badi Patan Devi Hajama Gali, P.S.- Alamganj, Distt.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 13-02-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor appearing for the State.

2. This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 05.03.2025 passed by learned Exclusive Special Court SC-ST Act, Patna, in A.B.P. No. 637 of 2025 in connection with Khajekala P.S. Case No. 305 of 2023 registered under Sections 302, 120B/ 34 of the I.P.C, Section 27 of the Arms Act and Section 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellant has been



rejected.

3. As per the prosecution case, on 30.07.2023 at about 08:00 A.M., the informant along with his elder brother Santosh Kumar had gone to Khajekala Ghat to attend the funeral of late Bablu Singh. When the informant was returning home he saw his brother talking with the appellant along with 3-4 unknown persons at the said Ghat. On being reached home, the informant received an information that his elder brother Santosh Kumar had been shot near Khajekala Ghat, and he was taken to N.M.C.H., Patna, where Doctor declared him dead. Thereafter, a suspicion was raised by the informant that all the named accused persons including the appellant had conspired and killed his brother.

4. Learned counsel appearing for the appellant submits that the appellant bears clean antecedent and has falsely been implicated in this case merely on the basis of being present at the Khajekal Ghat. It has further been submitted that neither the appellant has any concern with the said occurrence nor any overt act has been alleged by the eye witnesses who were present at the Ghat. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act, is made out against the appellant. Hence, the impugned order may be set



aside and the appellant may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellant and submits that this is a case under Section 302 of the I.P.C. and the presence of appellant was there at the place of occurrence.

6. Considering the entire facts and circumstances of the case and also the fact that the appellant bears clean antecedent coupled with the fact that the place of occurrence is a burning ghat and the presence of appellant does not appear to be unusual and no overt act has been alleged against the appellant, let the above named appellant in the event of his arrest/surrender within a period of six weeks 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 the learned Exclusive Special Court SC-ST Act, Patna, in connection with Khajekalan P.S. Case No. 305 of 2023, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the



impugned order dated 05.03.2025 rejecting the prayer for grant
of anticipatory bail to the appellant is, hereby, set aside.

(Praveen Kumar, J)

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