

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1619 of 2026**

Arising Out of PS. Case No.-560 Year-2023 Thana- GAURICHAK District- Patna

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1. Nitish Kumar Son of Umesh Kewat Resident of Village - Sohgi More, Kushpar, Bhirpar, P.S.- Gaurichak, District - Patna.
  2. Dhariya Nat @ Mithilesh Nat Son of Bhuletan Nat Resident of Village - Sohgi More, Kushpar, Bhirpar, P.S.- Gaurichak, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Poonam Devi Wife of Late Guddu Paswan Resident of Village - Jalalpur, P.O. and P.S.- Dhanarua, District - Patna.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Surendra Kumar Mishra  
For the Respondent/s : Ms.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      15-05-2026                      1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 07.04.2026 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Special Case No.419 of 2023, Serial Case No.373 of 2023 arising out of Gaurichak P. S. Case No.560 of 2023, instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 302, 338/34 of the Indian Penal Code and Section 3(i)(r)(s)(w), 3(2)(v)(a) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of bail has been rejected.



3. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and are in custody since 17.03.2026 and the informant alleges that her husband on 30.09.2023 at 8.00 A.M. had gone to sell fish by a pick up vehicle. It is next alleged that her husband was assaulted by Upendra, Raju and Ankit along with 20-22 unknown accused leading to his death.

4. The learned counsel appearing on behalf of the appellants submits that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion. It is further submitted that a two and half year old child died on account of accident caused by the pick up vehicle being driven by the deceased as such the villagers gathered and assaulted the deceased leading to his death. It is next submitted that allegation of assault is not specific. It is also submitted that Sablu Kumar @ Chhagalwa had approached this Court seeking regular bail by filing Cr. Misc. No.819 of 2024 and the same came to be allowed by an order dated 16.05.2024 passed by learned Coordinate Bench. It is next submitted that case of the appellants is similar to the case of Sablu Kumar.

5. The learned Special P.P. opposes the appeal.

6. Regard being had to the aforesaid submissions, the



order dated 07.04.2026 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Patna in connection with Special Case No.419 of 2023, Serial Case No.373 of 2023 arising out of Gaurichak P. S. Case No.560 of 2023.

**(Satyavrat Verma, J)**

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