

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2063 of 2026

Arising Out of PS. Case No.-424 Year-2025 Thana- MANJHI District- Saran

Shivanand Singh @ Shivanand Kumar Singh S/o Late Rajeshwar Singh
Resident of Village - Dumai Garh, P.S - Manjhi, District - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Radhay Shyam Ram S/o Shivdas Ram Resident of Village - Fulwariya, P.S -
Manjhi, District - Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Shambhawi, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

Special Public Prosecutor for the State. Learned counsel for the

informant appeared *suo-motu* in this case.

2. The present Cr. Appeal (SJ) has been filed seeking
grant of anticipatory bail and setting aside the order dated
05.05.2026 passed by the SC/ST Exclusive Special Judge,
Saran, Chapra in Anticipatory Bail Petition No. 1517 of 2026
arising out of Manjhi P.S. Case No. 424 of 2025, lodged on
18.11.2025 for the offence punishable under sections 103(1) &
3(5) of the Bharatiya Nyaya Sanhita, 2023 and sections 3(1) (r),
3(1)(s) & 3(2)(va) of the Scheduled Castes & the Scheduled
Tribes (Prevention Of Atrocities) Act, 1989.



3. As per the prosecution, FIR has been lodged against four named accused persons including the present appellant. It has been alleged that when the informant's father was selling sweets then all the accused persons came and snatched sweets from him and also abused him using caste related derogatory words and brutally assaulted him with fists and sticks causing serious injuries in his stomach. Thereafter, the informant's father was taken to the hospital, but unfortunately, he died during treatment. It is further alleged that during course of treatment, the accused persons threatened the family members of the deceased.

4. Learned counsel for the appellant submits that the appellant is innocent and has committed no offence. He submits that from the contents of the FIR, it is clear that the informant is not the eye-witness and due to village rivalry, name of the appellant and others have been inserted in this case, in-spite of the fact that there is no specific act or overt act against the accused persons. Counsel also submits that there is no specific role of the appellant attributed in the FIR and as per the FIR, the alleged occurrence took place on 08.11.2025 at about 4 PM, but the FIR has been lodged after delay of 10 days i.e. on 18.11.2025. Counsel submits that it has been admitted that the



death of the informant's father has been caused due to stomach pain which can be ascertained only after going through the injury report, post mortem report and case diary. He further submits that the criminal antecedent of the appellant is not clean as there is one case pending against him in which he is on bail. Counsel further submits that the appellant is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is the direct allegation against all the accused persons that they have attacked and snatched sweets from the informant's father and upon demand of money, the accused persons started abusing him and assaulted him due to which, injury has been caused in the stomach which resulted into death during treatment.

6. Learned Special Public Prosecutor for the State also opposes the prayer for bail of the appellant but fairly submits that present FIR has been lodged with delay of 10 days. Counsel also submits that it is an offence not of murder but of culpable homicide amounting to murder.

7. Upon hearing the parties, this Court finds that section of murder has been attracted in the present case and there is subsistence in the argument of learned Special Public



Prosecutor for the State that as per the FIR, the offence of culpable homicide not amounting to murder has been constituted, but section of murder has been added.

8. This Court finds the discrepancy in adding of the section, but even then, this Court is not inclined to grant bail to the appellant. Accordingly, the present Cr. Appeal (SJ) preferred by the appellant stands rejected.

9. However, liberty is granted to the appellant that if he surrenders before the concerned Trial Court within a period of six weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering that the section of murder has not attracted here and he shall decide this case considering that constitution of offence is culpable homicide not amounting to murder, without being prejudiced by the fact that the present Cr. Appeal (SJ) has been rejected by this Court, and the Trial Court shall pass order absolutely on the merits of the case.

(Dr. Anshuman, J)

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