

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3082 of 2025**

Arising Out of PS. Case No.-64 Year-2025 Thana- Jhandapur District- Bhagalpur

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Raja Kumar S/o Sri Vidyanand Mandal @ Bidyanand Mandal Resident Of
Village- Tarani Basa, Ward No. 05, P.S.- Puraini, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Bataso Devi W/o Panjabi Ravidas R/o Vill.- Jayarampur, PS- Jhandapur,
Distt.- Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Akash Anand, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 09-01-2026 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State.

2. Despite the notice having been validly served,

no one appears on behalf of the Respondent No. 2.

3. This is an appeal under Section 14(A)(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail
vide order dated 23.06.2025 passed in Special SC/ST Case
No. 68 of 2025 arising out of Jhandapur P.S. Case No. 64 of
2025 passed by the learned District & Addl. Sessions Judge-III-
cum-Special Judge (SC & ST Act) Bhagalpur registered for the
offence/s punishable u/ss 137(2), 140(1) of the BNS and



section 3(2) (va) of the SC/ST (POA) Act.

4. As per the prosecution case, the informant has alleged that while she was taking rest at her Basa, the five accused persons along with three unknown persons came and abducted the informant's husband on the point of gun and it is further alleged that informant's son had an old enmity with the accused person due to which the accused persons took away the informant's husband by threatening to kill him.

5. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case solely on the basis of the alleged confessional statement of a co-accused. It is further submitted that, on a prima facie reading of the F.I.R., no offence under the provisions of the SC/ST Act is made out against the appellant. Learned counsel also points out that the abducted person has already been recovered and he in his statement has taken the name of the appellant, however, a similarly situated co-accused, namely Md. Ali, has been enlarged on bail by a coordinate Bench of this Hon'ble Court vide order dated 25.09.2025 passed in Cr. Appeal (SJ) No. 2903 of 2025. He lastly



submits that the petitioner has clean antecedent and he is in jail since 01.05.2025.

6. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

7. Considering the aforesaid submissions and taking into account the fact that similarly situated person is already been granted bail, the impugned order passed by the learned Trial Court dated 23.06.2025 passed in Special SC/ST Case No. 68 of 2025 arising out of Jhandapur P.S. Case No. 64 of 2025 is accordingly set aside. Let the appellant above named be released on bail on furnishing bail bonds of Rs.20,000/-(twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Special SC/ST Case No. 68 of 2025 arising out of Jhandapur P.S. Case No. 64 of 2025, subject to the following conditions:

(i) One of the bailors of the appellant shall be his close relative and the other shall be the local resident.

(ii) The appellant shall remain physically present in Court on each date of the trial.



(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

(iv) If the appellant is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. The criminal appeal is allowed.

9. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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