IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3173 of 2026

CNR No. BRHC010820822026

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

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Shivanand Singh @ Shivanand Kumar Singh S/O Late Rajeshwar Singh R/O Village- Dumai Garh, P.S.- Manjhi, Distt.- Saran.

... ... Appellant/s

Versus

1. The State of Bihar
2. Radhay Shyam Ram S/O Shivdas Ram R/O Village- Fulwariya, P.S.- Manjhi, Distt.- Saran.

... ... Respondent/s

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Appearance :
For the Appellant/s : Ms. Shambhawi, Adv.
For the Respondent/s :Mr. Ram Priya Sharan Singh, APP (Incharge, Spl. PP)

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

3 18-11-2026 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 24.07.2026, passed by learned SC/ST Exclusive Special Judge, Saran, Chapra in connection with Manjhi P.S. Case No. 424 of 2025, registered under Sections 103(1), 3(5) of the B.N.S. and Sections 3(1) (r) (S), 3(2)(va) of SC/ST Act.

3. Appellant, along with other accused persons, is said to have abused the father of the informant by taking caste name

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and also assaulted him with bricks, fists and sticks causing serious injuries.

4. Learned counsel for the appellant submits, at the outset, that the written report is a typed document addressed to the SHO after ten days of the occurrence which is clearly indicative of the fact that the present case has been filed after due thought and deliberation. It is further submitted that the narration of facts in the said written report indicates that for an occurrence which took place on 08.11.2025, the said report was filed on 18.11.2025 after the deceased was declared dead by the doctor during treatment. It is further submitted that there is general and omnibus allegations on four named and four unnamed accused persons of indulging into acts of assault by means of fists and legs and stick on a very petty issue of a dispute with regard to payment of money for sweets. It is submitted that the incident took place at the spur of the moment and there could be no intention on the part of the accused persons to cause the death of the deceased. It is on such consideration of facts that after investigation, charge-sheet was submitted only under Section 105 of the B.N.S. and not under Section 103 of the B.N.S. The postmortem report also indicates that the ultimate cause of death was cardio respiratory arrest.

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5. The appellant had approached this Court for anticipatory bail and by a detailed order dated 17.07.2026 passed by a coordinate Bench of this Court in Cr. App (SJ) No. 2063 of 2026 (Annexure-P/1), the prayer for anticipatory bail was rejected but a liberty had been given that in case the appellant surrenders within a period of six weeks, the same would be considered on the same day considering that the section of murder is not attracted. The appellant surrendered thereafter on 24.07.2026 and is languishing in custody since then. The charge-sheet has been submitted and he undertakes to cooperate in the trial.

6. Learned for the respondent no. 2, however, opposed the prayer for bail on the ground that the death had taken place on account of cardio respiratory arrest but the same was caused by the injury suffered by the deceased.

7. Taking into consideration the facts and circumstances and also considering the fact that the charge-sheet in this case has been submitted under Section 105 of the B.N.S. coupled with the fact that there are general and omnibus allegations and the FIR has also been lodged after inordinate and unexplained delay of ten days, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five

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Thousand) with two sureties of the like amount each to the satisfaction of the learned SC/ST Exclusive Special Judge, Saran, Chapra in connection with Manjhi P.S. Case No. 424 of 2025, subject to the condition that the petitioner shall cooperate in the trial.

8. Accordingly, the impugned order is set aside and the appeal is allowed.

(Soni Shrivastava, J)

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