

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3672 of 2025**

Arising Out of PS. Case No.-194 Year-2025 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Chandan Kumar @ Chandan Kumar Gupta S/o- Praduman Sah @ Prabhu Sah Resident of village- Nawada PS and District- Gopalganj
 2. Ranjan Kumar @ Ranjan Kumar Gupta @ Bittu Kumar S/o- Sri Praduman Sah @ Prabhu Sah Resident of village- Nawada PS and District- Gopalganj
- Appellant/s

Versus

1. The State of Bihar
 2. Most. Ramjhari Devi W/o- Late Daroga Manjhi R/o- Nawada Khas Po- Manikpur Ps Dist- Gopalganj
- Respondent/s

Appearance :

For the Appellant/s : Mr. Adesh Raj Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER**

5 26-03-2026 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

2. This is an appeal under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 25.07.2025 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge S.C./S.T. Act, Gopalganj in connection with Gopalganj Town P.S. Case No. 194 of 2025 registered for the offences punishable under Sections 103(1) & 3(5) of the Bharatiya Nyaya Sanhita and under Section 3(2)(v) of the SC/ST Act.

3. The case of the complainant, in short, is that the appellants along with two accused persons took away informant’s



son and stabbed him to death.

4. Learned counsel for the appellants submits that in this case charge-sheet has been filed and from perusal of the FIR it is clear that there is no eye-witness of the case. Learned counsel for the appellants has further submitted that the nature of allegation is general and omnibus. There is no specific allegation against the appellants. It has further been submitted tht the appellants have not abused the informant with caste name in public view. Hence, no offence under SC/ST Act is made out. It has further been submitted that similarly situated co-accused has been granted bail by the learned Co-ordinate Bench of this Court vide Cr. App. (SJ) No. 3165 of 2025. Learned counsel for the appellants has lastly submitted that the appellants are having no criminal antecedent and they are in judicial custody since 16.03.2025.

5. Learned counsel for the complainant is present and has vehemently opposed the bail to the appellants and has submitted that during course of investigation, one Rakesh has given his confessional statement before police under Section 183 of the BNSS wherein he has stated that five persons have stabbed the deceased to death.

6. From perusal of the statement of Rakesh it is clear that he has only stated that there were five persons but he has not



named anyone. Moreover, similarly situated co-accused has been granted bail.

7. Learned counsel for the complainant has also shown the injury report and from perusal of that it is clear that the complainant has received grievous injury in finger which is bailable in nature.

8. In view of the submissions made by the learned counsel for the appellant, the order dated 25.07.2025 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge S.C./S.T. Act, Gopalganj in connection with Gopalganj Town P.S. Case No. 194 of 2025 is hereby set aside and the appellants above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each of them with two sureties of the like amount each to the satisfaction of the learned court of District and Additional Sessions Judge-XI-cum-Exclusive Special Judge S.C./S.T. Act, Gopalganj in connection with Gopalganj Town P.S. Case No. 194 of 2025.

9. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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