

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4246 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- KAJRAILI District- Bhagalpur

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Sandeep Choudhary @ Sandeep Kumar, Son of Ganesh Choudhary, R/o
Village- Daradhi Bahadurpur, PS-Kajraili, District-Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Girija Devi, Wife of Late Naveen Chandra Niwas @ Nakul Das, R/o
Village- Daradhi Bahadurpur, PS-Kajraili, Distt.-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ranjan Kumar Jha, Adv.
For the Respondent No.2:	:	Mr. Swapnil Kumar Singh, Adv.
For the State	:	Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 24-02-2026 Heard the learned counsel for the appellant, the

learned counsel for the informant/respondent No. 2 and the

learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes & Scheduled Tribes (Prevention of Atrocities)
Act, 1989 [*in short the **SC/ST (POA) Act***] against the rejection of
prayer for bail *vide* order dated 17.09.2025 passed by the
learned District and Addl. Sessions Judge-III-cum-Special
Judge, SC/ST Act, Bhagalpur in A.B.P. No. 2110 of 2025 in
connection with Kajraili P.S. Case No. 45 of 2025 registered for
the offence(s) under Section(s) 103(1) and 3(5) of the Bharatiya



Nyaya Sanhita, 2023 (B.N.S.) and Section(s) 3(1)(gha) and 3(1)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, it is alleged that all the F.I.R. named accused persons including the appellant have abused the informant/respondent No. 2 and others by their caste name and have also assaulted her son. It has further been alleged that on account of such assault, the husband of the informant/respondent No. 2 received injury and he later died.

4. The learned counsel for the appellant submits that the name of the appellant has been entered as the last name, stating him to be the person who had come to the place of occurrence and had abused in general and, thereafter, directed to assault the informant/respondent No. 2. It has been submitted that there is no specific allegation against the appellant with regard to any overt act and even the allegation of abuse is of general nature. It has further been submitted that no case under the SC/ST (POA) Act is made out against the appellant.

5. The learned counsel for the appellant has drawn the attention of this Court towards the *post-mortem* report, which has been brought on record by way of Annexure-P/3 and from the perusal of the same, it would be evident that the cause of death is stated to be natural due to diseases of heart and



lungs. It has next been submitted that from the perusal of the external injury, it would be evident that only one bruise of size 1" x 0.5" was present over the forehead. It has, thus, been submitted that the allegations levelled against the appellant are of general and omnibus nature and altogether eighteen persons have falsely been roped in this case, just to implicate all. However, the appellant, it has been argued, has no concern whatsoever with the same. It has lastly been submitted that the appellant has no criminal antecedents.

6. The learned Special Public Prosecutor for the State as also the learned counsel appearing on behalf of the informant/respondent No. 2 have vehemently opposed the bail petition of the appellant and have submitted that the appellant was one among the several persons, who had attacked the family of the informant/respondent No. 2 including her husband and son. It has been submitted that there is an allegation of abuse against the appellant along with others and he had also directed for assaulting the family of the informant/respondent No. 2. It has lastly been submitted that a similarly situated co-accused, namely, Manoj Singh @ Manoj Kumar Singh @ Manoj Prasad Singh, had approached this Court for grant of bail *vide* Cr. Appeal (SJ) No. 3887 of 2025 and his bail application



was rejected by a coordinate Bench of this Court by order dated 12.11.2025.

7. Having considered the submissions made on behalf of the parties and taking into account the fact that from the mere perusal of the F.I.R., it would be evident that the appellant was not involved in the assault, barring the allegation of directing along with two other persons to assault and there is a general and omnibus allegation of abuse against him, let the appellant, above-named, be released on anticipatory bail, in the event of his/her arrest or surrender before the learned Court below within a period of four weeks from today, on his/her furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten 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 Kajraili P.S. Case No. 45 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions:

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

(ii) The appellant shall remain physically present



before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions, without reasonable cause, or in violation of the terms of the bail, the bail bonds of the appellant will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the appellant and in case, at any stage, it is found that he/she has concealed his/her criminal antecedents, the Court concerned shall take necessary steps for cancellation of his/her bail bonds. 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.

(v) The appellant shall in no manner threaten or try to contact or influence the informant/respondent No. 2.

8. Accordingly, the impugned order, referred to above, is set aside.

9. The appeal stands allowed.

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

(Sourendra Pandey, J)

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