

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5423 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- BANGARA District- Samastipur

Pankaj Kumar @ Pankaj Singh @ Nagmani Pankaj Singh Prince S/o Vijay Kumar Singh @ Vijay Singh Resident of Village - Rajwa, P.S. - Bagra, District - Samastipur (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Sita Devi Wife of Late Nathuni Ram Resident of Village - Rajwa, Chaksultan, P.S. - N.H. Bangra, District - Samastipur (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Madhav Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 13-01-2026 1. Heard learned counsel for the appellant 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, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 28.10.2024 in A.B.P. No. 2634 of 2024 passed by the learned Special Judge SC/ST (POA) Act, Samastipur in connection with N.H. Bangra P.S. Case No. 107 of 2024 registered under Sections 103(1) and 3(5) of the BNS as well as Sections 3(2)(v) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellant at the outset draws the attention of the Court to the



office report dated 01.12.2025 wherein it has been recorded that notice has been validly served on respondent no. 2 but then respondent no. 2 despite receiving the notice chooses not to appear and contest the case.

4. Learned counsel for the appellant submits that appellant has antecedent of four cases and the informant alleges that on 16.08.2024, at about 01:00 p.m., the husband of the informant, namely, Nathuni Ram went to the house of Sunil Ram for watching Kali Puja and on 17.08.2024 her husband left the house of Sunil Ram but did not reach home. Further, on 18.08.2024, at about 06:30 a.m., the informant got an information that dead body of her husband was lying in the field of Gurudayal Sah. It is next alleged that about twenty years back some dispute had arisen in between the deceased and the appellant and the deceased had to go to jail based on a case filed by the appellant. It is also alleged that the deceased had given Rs.1,90,000/- to one Sonu Singh for purchasing a land but it was found later that the land was already sold, hence, a dispute arose in between the deceased and Sonu Singh and Sonu Singh only returned Rs.90,000/- to the deceased, thus, suspects that Sonu Singh might also be involved in the occurrence.

5. Learned counsel appearing on behalf of the



appellant submits that appellant on being implicated in the instant case had moved before the learned District Court seeking anticipatory bail but the same came to be rejected by an order dated 28.10.2024 thereafter the appellant moved before this Court in December, 2024 but the case remained pending for adjudication and process under Sections 84 and 85 of the BNSS was issued but then the case was taken up before a learned Coordinate Bench of this Court on 28.03.2025 when notices were issued on the respondent no. 2 and no coercive action was granted in favour of the appellant.

6. Learned counsel for the appellant submits that from perusal of the allegation as alleged in the FIR, it would manifest that the entire allegation hinges around suspicion. It is further submitted that informant alleges that a dispute had arisen in between the appellant and the deceased about twenty years back and based on the said dispute, the informant is suspecting the involvement of the appellant in the occurrence. It is next submitted that allegations are in two parts and in the first part the informant alleges suspicion against the appellant while in the second part alleges suspicion against Sonu Singh. It is also submitted that Sonu Singh had moved before this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No. 5741 of 2024 and



the same came to be allowed by an order dated 12.11.2025 passed by a learned Coordinate Bench of this Court. It is further submitted that during the course of investigation, no material transpired connecting the appellant with the offence except for suspicion raised in the FIR.

7. Learned Special Public Prosecutor opposed the prayer for anticipatory bail of the appellant but then not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant after perusing the case diary that no material during the course of investigation transpired connecting the appellant with the offence apart from suspicion.

8. Learned counsel for the appellant, at this stage, submits that what is not in dispute rather stands admitted is that husband of the informant died but who killed him is an aspect of investigation but then police in a mechanical manner is proceeding. It is further submitted that in the nature of allegation as alleged prima facie no offence under the SC/ST Act is made out as it is not alleged in the FIR that the occurrence of murder of the husband of the informant was committed on the ground that he belongs to the SC/ST.

9. After hearing the learned counsel for the parties, let



the appellant, above named, in the event of his arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

10. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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