

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4941 of 2025

Arising Out of PS. Case No.-37 Year-2024 Thana- GARVANDANGA District- Kishanganj

Nazrul @ Najrul Haque son of Herajul @ Hirajul Resident of village- Hamla
Aambari, ps- Powakhali, Dist- Kishanganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Manda Devi Wife of Jitu Lal Rai Resident of village- Malingaon, Ps-
Powakhali, Dist- Kishanganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Prawesh Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-05-2026 1. Heard learned counsel for the appellant and the
learned Special PP for the State, Mr. Sadanand Paswan.

2. The learned counsel for the appellant submits that
from perusal of the office report dated 07.05.2026, it would
manifest that the notice has been validly served on respondent
no. 2, but then respondent no. 2 chooses not to appear and
contest.

3. 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 bail vide order dated
19.11.2025 passed by the learned 1st Additional



Sessions Judge, Kishanganj in connection with Supplementary Garbandanga P.S. Case No. 37 of 2024 registered for the offences punishable under Sections 140(1), 103(1), 238 and 61(2) of the BNS, 2023 read with Sections 3(2) (v) of the SC/ST Act.

4. Learned counsel for the appellant submits that appellant is a person with clean antecedent and is in custody since 24.09.2025 and the informant alleges that her son was married to Batasi Devi who developed illicit relationship with one Galib Sadan, on account of which she used to threaten his son, it is next alleged that on 09.11.2024, the informant came to know that her son was lying in a pool of blood on the national highway, accordingly, she reached the place of occurrence and the instant FIR came to be instituted wherein based on suspicion, it is alleged that Batasi Devi and Galib Sadan committed the occurrence.

5. Learned counsel for the appellant submits that appellant is not named in the FIR and his name transpired in the confessional statement of Rahid Alam. It is further submitted that Rahid Alam has been granted the privilege of regular bail by an order dated 20.05.2025 in Criminal Miscellaneous No. 31197 of 2025 passed by a learned Co-ordinate Bench, it is thus



submitted that since Rahid Alam has been granted the privilege of regular bail, hence the case of the appellant is on a better footing.

6. Learned Special P.P. for the State, Mr. Sadanand Paswan, opposes the appeal.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 19.11.2025 passed by the learned 1st Additional Sessions Judge, Kishanganj in connection with Supplementary Garbandanga P.S. Case No. 37 of 2024, **is hereby set aside** and the appellant above-named, is directed to be enlarged on bail on furnishing bail bonds 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/successor court in connection with Supplementary Garbandanga P.S. Case No. 37 of 2024.

8. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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