IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No.521 of 2026

Bijay Mandal @ Vijay Mandal, aged about 31 years, S/o Matru Mandal, R/o village Barmaniya, P.O. & P.S. Saraiyahat, District-Dumka, State Jharkhand **…. …. Appellant(s)**

-Versus-

1. The State of Jharkhand
2. Kajal Kumari, D/o Mithun Das, R/o village Barmaniya, P.O. Barkundi & P.S. Saraiyahat, District-Dumka, State Jharkhand

…. …. Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. R.S. Mazumdar, Sr. Advocate
Mr. Aniket Jaiswal, Advocate
For the State : Mr. Vishwanath Roy, Spl.P.P.
For the Respondent No.2 : Mr. Shubham Sinha, *Amicus Curiae*

04/Dated: 28.10.2026

1. Heard learned senior counsel for the appellant, learned Spl.P.P. for the State and learned *Amicus curiae* for the respondent No.2/victim.

2. The present appeal has been filed against the impugned order dated 04.05.2026 passed in M.C.A No.278 of 2026 by the learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST), Dumka in connection with SC/ST Case No.06 of 2026 arising out of Saraiyahat P.S. Case No. 168 of 2025, registered for the offence under Sections 103(1) and 3(5) of the B.N.S, 2023 and Section 3(1)(s) of the SC/ST Act. The case is presently pending in the court of the learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST), Dumka.

3. It has been submitted by the learned senior counsel for the appellant that the nature of injury suggests that it may be accidental and even the prosecution story is accepted to be true then it is not a case under Section 103(1) of the B.N.S, 2023, rather at best it is a case under Section 304-II IPC (Section 105 of B.N.S., 2023) as neither there is repetition of blow nor any fatal instrument has been used in the alleged crime. It has further been submitted that the death of the injured person has also occurred after two days of the incident and was healthy and hearty during that period and he

was also making talk with the family members. It has also been submitted that the appellant is in custody since 19.12.2025 and the charge has already been framed. The appellant undertakes to participate in the trial. On the above basis, prayer for bail has been made.

4. Learned counsel for the State and learned for the respondent No.2/victim have opposed the prayer for bail. It has been submitted by the learned *Amicus Curiae* that there is a fatal injury which has led to the death of the deceased. The parties were known to each other and residing in the same village and there are witnesses to the incident that the scuffle has taken place between the parties and as such, offence under the SC/ST (PoA) Act is made out.

5. Having heard the learned counsel for the parties and from perusal of the records, it appears that at best it is a case under Section 304-II IPC (Section 105 of B.N.S., 2023) and there is no other condition imposed so far as regular bail is concerned under the SC/ST Act.

6. Considering the nature of injury, period of custody undergone by the appellant and the fact that charge has already been framed, the appellant named above, is directed to be released on bail, on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST) Dumka in connection with SC/ST Case No.06 of 2026 arising out of Saraiyahat P.S. Case No. 168 of 2025, subject to the condition that the appellant will submit self-attested photocopy of his Aadhaar Card and also submit his mobile number before the learned trial court which he shall always keep active and will not change it during pendency of the case without prior permission of the court.

7. In the result, the instant criminal appeal stands allowed and accordingly disposed of.

8. Let this order be communicated to the learned Member Secretary, JHALSA, Ranchi, for the purpose of remuneration to be paid to the learned *Amicus Curiae* as permissible.

(Rajesh Kumar, J.)

Dated: 28.10.2026
Pawan/-Uploaded on 29.10.2026