

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3036 of 2021**

Arising Out of PS. Case No.-450 Year-2020 Thana- SAUR BAZAR District- Saharsa

1. Nirbudh Sada @ Budhiyar Sada, S/o Janardan Sada @ Bhetwa Sada, R/o Village Harkuta Mushahri Ward No.12, P.S. Sour Bazar, District Saharsa.
2. Bishnudev Sada @ Bijli Singh, S/o Late Raghunee Sadar, R/o Village Harkuta Mushahri Ward No.12, P.S. Sour Bazar, District Saharsa.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Md. Harun Quareshi, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 01-11-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The appellants have filed this appeal under Sections 14(A)(2) of the SC/ST (POA) Act against the order dated 04.03.2021, passed by learned Additional Sessions Judge-IIIrd-cum-Special Judge, Saharsa in Special (SC/ST) Case No.131 of 2020, arising out of Sour Bazar P.S. Case No.450 of 2020, registered for the offences punishable under Sections 341, 323, 302, 201, 504, 506 and 34 of the Indian Penal Code as well as under Sections 3(1)(r)(s), 3(2)(v) of the SC/ST Act.

The informant got information on 01.12.2020 that her husband was killed. The husband of the informant went to



attend *Puja* and when he was returning, he was killed. It is further alleged that ten days ago, Vish Prakash Bharti, who runs a brick kiln in the village, threatened to kill her husband. It is further alleged that Rajendra Yadav also abused her husband by naming his caste and threatened to kill her husband.

Learned counsel for the appellant submits that the appellants are innocent and have falsely been implicated in the present case. There is no eye witness in the present case. It is further submitted that on the self confessional statement of the appellant no.1, Nirbudh Sada, the appellants are made accused in this case. It is submitted that no overt act is alleged against the appellants. It is further submitted that the appellants are in custody since 04.12.2020 and the appellants have got no criminal antecedent mentioned at paragraph 3 of the memo of appeal.

On the other hand, learned Special P.P. opposed the prayer for bail of the appellants.

Taking into consideration the facts aforesaid, the order dated 04.03.2021, passed by learned Additional Sessions Judge-IIIrd-cum-Special Judge, Saharsa in Special (SC/ST) Case No.131 of 2020, arising out of Sour Bazar P.S. Case No.450 of 2020 is set aside.



Let appellants, above named, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IIIrd-cum-Special Judge, Saharsa in connection with Special (SC/ST) Case No.131 of 2020, arising out of Sour Bazar P.S. Case No.450 of 2020.

The appeal is allowed.

(Anjani Kumar Sharan, J.)

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