

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.936 of 2024

Arising Out of PS. Case No.-662 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Gugli Sahu @ Googly Sahu Son Of Late Bakhtu Sahu Resident Of Village - Nainaghat, P.S. - Sadar (BHALPATTI O.P.), District - Darbhanga
 2. Ram Kumar Sahu @ Ram Kumar Sah Son Of Gugli Sahu @ Googly Sahu Resident Of Village - Nainaghat, P.S. - Sadar (BHALPATTI O.P.), District - Darbhanga

... .. Appellant/s

Versus

1. The State Of Bihar
2. Dhanik Saday Son Of Gulten Saday Resident Of Village - Ramna, P.S. - Sadar (bhalpatti O.P.), District - Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Nawal Kishor Prasad, Advocate
For the Respondent/s	:	Mr.Binay Krishna, APP
For O.P. No.2	:	Mr. Nilendu Kumar Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 25-04-2024 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant/Respondent No.2.

2. The instant appeal has been filed by the appellants against the order dated 16.01.2024 passed by learned Exclusive Judge, SC/ST (POA) Act, Darbhanga in SC/ST B.P. No. 01 of 2024 whereby the prayer for bail of the appellants in connection with Sadar (Bhalpatti O.P.) P.S. case No. 662 of 2023 under Sections 302, 201 and 34 of the Indian Penal Code and Section 3(2)(v) of SC/ST (POA) Act, was rejected.



3. Prosecution case, in short, is that the father of the informant left the house but later when did not return and became traceless. It is alleged that earlier scuffle took place between the father of the informant and the accused persons. The informant suspects that accused persons might have killed his father.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. The name of the appellants have been transpired on the basis of suspicion and due to previous enmity. General and omnibus allegation has been made against the appellants. There is no specific allegation attributed against the appellants. The appellant No. 1 is father of appellant No. 2 and the appellant No. 2 in his confessional statement has confessed his guilt but the same has no evidentiary value in the eyes of law. Charge-sheet has already been submitted in this case. It is further submitted that the co-accused Baijnath Sahu against whom there was allegation of quarrel with the deceased, has been granted regular bail by the Court below itself. No ingredients of SC/ST (POA) Act is made out in the instant case. The appellant No. 1 is in custody since 20.09.2023 and appellant No. 2 is in custody since 29.09.2023 and the



appellants have no criminal antecedents.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner on the ground that there is allegation against both the appellants. Learned counsel for the informant has submitted that the appellants had motive and intention to kill the deceased. Multiple injuries including those at below the eye and at chest were found on the body of the deceased. Further the appellants have also confessed his guilt during the course of investigation before the police and after completion of investigation, charge-sheet has been submitted against the appellants. Hence, the appellant do not deserve bail.

6. Considering the aforesaid facts and circumstances of the case, the submission made on behalf of both the parties, the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the order dated 16.01.2024 passed by learned Exclusive Judge, SC/ST (POA) Act, Darbhanga in SC/ST B.P. No. 01 of 2024 in connection with Sadar (Bhalpatti O.P.) P.S. case No. 662 of 2023, is hereby set aside.

7. Let the appellants be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of



Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sadar (Bhalpatti O.P.) P.S. case No. 662 of 2023.

(Rudra Prakash Mishra, J)

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