

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1396 of 2024

Arising Out of PS. Case No.-698 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Raja Kumar @ Uday Kumar S/o Late Devu Sardar Resident of Village-
Nariyar, Ward No. 09 Latha, P.S.- Saharsa, District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sharda Devi W/o Surendra Das Resident of Village- Nariyar, Ward No. 09
Latha, P.S.- Saharsa, District- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pramod Mishra, adv.
For the Resp No. 2	:	Mr. Satish Kumar Singh, Adv.
For the Respondent/s	:	Mr.Usha Kumari I

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 09-05-2024 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as 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 against the rejection of prayer for bail vide order dated
05.01.2024 passed by the learned court of Additional Sessions Judge-
1st cum Special Judge, SC/ST (POA) Act, Saharsa in connection
with Saharsa Sadar P.S. Case No. 698 of 2023 dated 04.10.2023
registered for the offence/s punishable u/ss 341, 323, 307, 302, 504
read with section 34 of the Indian Penal Code and sections 3(2)(va) /
3(2) (V) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant came and



took the informant's son to Kahra Kutti where the co-accused were already present. The co-accused Sachendra Shah abused the son of the informant by calling his caste name and exhorted to kill, upon which the co-accused Ajeet Shah stabbed on his chest with intention to kill. Thereafter, they fled away.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The specific allegation of inflicting knife blow is against the co-accused Ajit Sah. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. The appellant has eleven criminal antecedents and the said case is not related to similar nature of offence as stated in para 3 of the bail petition. The appellant is in custody since 07.10.2023.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 05.01.2024 passed by the learned court of Additional Sessions Judge-1st cum Special Judge, SC/ST (POA) Act, Saharsa in connection with Saharsa Sadar P.S. Case No. 698 of 2023, is set aside against the appellant. The criminal appeal is allowed.



7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court of Additional Sessions Judge-1st cum Special Judge, SC/ST (POA) Act, Saharsa in connection with Saharsa Sadar P.S. Case No. 698 of 2023, with the condition/s:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(ii) If the appellant is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds.

(Chandra Prakash Singh, J)

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