

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1603 of 2024

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

Ajit Sah @ Ajit Kumar, aged about 28 years, Gender-Male, S/O Suchinder Sah, R/O Village- Bengha, Ward No. 10, P.S- Saharsa, District- Saharsa.

... .. Appellant

Versus

1. The State Of Bihar.
2. Shradha Devi, aged about 48 years, Gender-Female, W/O Sukhender Das, R/O Village- Narichar, Ward No 9, Nagar Parishad, P.S -Saharsa, District- Saharsa.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Rakesh Singh, Advocate
For the Respondent No.2:		M/S. Satish Kumar Singh and Dinesh Maharaj, Advocates
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 08-08-2024 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 and learned Spl. P.P. 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 (hereinafter in short referred to as the ‘SC/ST Act’), against the refusal of prayer of bail of the appellant vide order dated 28.02.2024, passed by the learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST (POA) Act, Saharsa in Saharsa Sadar P.S. Case No. 698 of 2023 registered for the offences punishable under Sections 302, 307,



341, 323, 504/34 of the I.P.C. and Sections 3(2)(va), 3(2)(v) of the SC/ST (POA) Act.

3. The prosecution case, in brief, is that on 04.10.2023 at about 9.00 A.M., the son of the informant, namely, Chandan Kumar, was talking to the local villagers near his house in front of a temple where the co-accused Raja Kumar came and asked her son to come to *Kahra Kutti* regarding the talk which was made yesterday with the co-accused Suchindra Sah and his two sons, namely, Ranjeet Sah and Ajit Sah. So, the informant's son reached to the said place where all the aforesaid three accused persons including the petitioner were present at the tea stall and then the co-accused Suchindra Sah ordered the petitioner to kill him, on which, the petitioner and the co-accused Ranjeet Sah pulled him down from his motorcycle and the petitioner stabbed with knife on the chest of the informant's son, namely, Chandan Kumar. On hulla, all accused persons fled away from there and the informant's son with the help of other persons was brought to the Sadar Hospital, Saharsa, where he died.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further submitted that the charge sheet has been submitted in the



present case. It is further submitted that the informant is not an eye witness to the alleged occurrence rather she was admittedly at her house at the time of occurrence. It is further submitted that in the entire F.I.R., no motive has been alleged against the appellant for participating in the alleged offence. The appellant is a videographer and he has no concern with the alleged offence. It is further submitted that during the course of investigation, none of the witnesses have claimed to be an eye witness to the alleged occurrence. It is further submitted that no member of public was present at the relevant point of time of the alleged occurrence. Hence, no offence under SC/ST Act is made out against the appellant. The appellant has one criminal antecedent in which he is on police bail as stated in paragraph no. 3 of the memo of appeal. The appellant is in custody in this case since 07.10.2023.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant and have submitted that there is direct allegation against the appellant of committing murder of the informant's son, namely, Chandan Kumar. The postmortem report shows that the cause of death is haemorrhage and shock as result to the vital organ i.e., heart. The injury was caused by hard and sharp



object.

6. In view of the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to set aside the impugned order dated 28.02.2024, passed by the learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST (POA) Act, Saharsa in connection with Saharsa Sadar P.S. Case No. 698 of 2023. The criminal appeal is rejected.

7. Accordingly, the prayer for bail of the appellant is rejected in connection with Saharsa Sadar P.S. Case No. 698 of 2023, pending in the court of learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST (POA) Act, Saharsa.

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(Chandra Prakash Singh, J)

