

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2716 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- GAUNAHA District- West Champaran

1. Vijay Sah son of Late Chhedi Sah @ Late Chhedi Sah R/o Village- Singhasni Tola PS - Sahgodara Dist- West Champaran
2. Arjun Sah @ Arjun Kumar son of Late Chhedi Sah @ Late Chhedi Sah R/o Village- Singhasni Tola PS - Sahgodara Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Devi wife of Harilal Ram Resident of Village- Singhasni Tola PS- Sahodara Dist- West Champaran, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar Gupta, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-06-2024 1. Heard learned counsel for the appellants 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 referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 24.05.2024 in B.P. No. 1564 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST, West Champaran at Bettiah in connection with Gaunaha P.S. Case No. 209 of 2023 registered under Sections 302, 201 and 120(B)/34 of the Indian Penal Code as well as Sections 3(2)(v) of the SC/ST Act.



3. Learned counsel for the appellants submits that appellants have antecedent of one case and have been falsely implicated in the instant case by the informant/respondent no. 2. It is further submitted that based on suspicion, the informant alleges that she suspected the accused persons including the appellants in killing her husband whose dead body was found lying in a sugarcane field. It is next submitted that informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion and the appellants will cooperate in the trial. It is also submitted that similarly situated co-accused Santosh Sah and three others had moved this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No. 541 of 2024 and the same was allowed by order dated 22.03.2024.

4. Learned Special Public Prosecutor opposed the prayer for bail.

5. Considering the aforesaid submissions, let the appellant, above named, be released on bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case.

6. Accordingly, the impugned order is set aside and



this appeal stands allowed.

7. However, if the learned trial court comes to a conclusion that appellants, after their release on bail, are trying to delay the trial of the case in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the appellants after recording reasons.

(Satyavrat Verma, J)

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