

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.829 of 2025

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

Ajit Sah @ Ajit Kumar son of Suchinder Sah R/o village- Bengha ward no 10,
PS- Saharsa District -Saharsa

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Shradha Devi Wife of Sukhender Das village- Narichar, Ward no. 9, Nagar Parishad, Ps- Saharsa, Dist- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shiva Shankar Sharma
For the Respondent/s	:	Mr.Usha Kumari 1
For the Resp No. 2	:	Mr. Satis Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 19-06-2025 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 29.01.2025 passed by the learned 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 3(2)(va) / 3(2) (v) of the SC/ST (POA) Act.

3. As per 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 (petitioner). 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. It is further submitted that the informant/PW3 did identify the petitioner during her cross-examination and has deposed that her son was killed by Raja Kumar. It is further submitted that PW1, PW2, PW4, PW5 and PW6 have declared hostile. The appellant has two criminal antecedents 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 has opposed the prayer for bail of the appellant and has 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 finding substance in the contention of the learned counsel for the appellant, the impugned order dated 29.01.2025 passed by the learned 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 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.

(Chandra Prakash Singh, J)

guddukr/-

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