

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1038 of 2025

Arising Out of PS. Case No.-617 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

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Vinay Sah @ Vinay Kumar S/o- Late Jaleshar Sah @ Late Jaleshwar Sah
Village- Himmat patti ward no 01 PS- Sahebganj District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Premi Devi W/o- Late Chandrika Pasavan @ Late Chandrika Paswan
Village- Himmat Patti W.No-1, Ps- Sahebganj Dist- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Yugal Kishore, Adv.

For the Respondent/s : Mr.Binay Krishna,Spl.PP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 26-06-2025 Heard learned counsel for the appellant 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 against the rejection of prayer for bail of the appellant vide order dated 05.02.2025 passed by the learned Exclusive Special Judge (SC/ST Act), Muzaffarpur in connection with Sahebganj P.S. Case No. 617 of 2024 dated 22.12.2024 registered for the alleged offences punishable under Sections 109 read with section 3(5) of the B.N.S., and Sections 27, 25(1-B)(a), 26 and 35 of the Arms Act and Sections 3(1)(r)/3(1)(s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

3. As per prosecution case, on 21.12.2024 at 7.00 P.M., the accused persons namely, Mohit Kumar, Vinay Sah (appellant), Rahul Kumar and Pramod Sah took the informant's grand son namely Vikesh Paswan behind the school and the co-accused, Mohit Kumar fired in the mouth of the informant's grand son.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the appellant. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. There is no specific allegation of firing is against the appellant rather the specific allegation of firing is against the co-accused, Mohit Kumar. It is further submitted that the appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 22.12.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail 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 05.02.2025 passed by the learned Exclusive Special Judge (SC/ST Act), Muzaffarpur in connection with Sahebganj P.S. Case No. 617 of 2024, 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 Exclusive Special Judge (SC/ST Act), Muzaffarpur in connection with Sahebganj P.S. Case No. 617 of 2024.

(Chandra Prakash Singh, J)

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