

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1458 of 2025

Arising Out of PS. Case No.-195 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Ashok Sah @ Ashok Kumar Son of Late Mahendra Prasad Sah @ Mahendra
Sah Village- Bhawanipur, P.S. -Jagdishpur, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Manjula Devi wife of Naresh Das Village- Bhawanipur, P.S. -Jagdishpur,
District -Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Devika Rani, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For the Informant/s	:	Mr. Shivnandan Bharti, Adv.
		Mr. Pintu Kumar Patel, Adv.

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

ORAL ORDER

4 24-07-2025 Heard learned counsel for the appellant and learned
counsel for the informant 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 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail *vide* order dated
05.03.2025 passed by the learned District & Additional Sessions
Judge-III-cum-Special Judge, Bhagalpur in connection with
Jagdishpur P.S. Case No. 195 of 2022 dated 20.05.2022
registered for the offence/s punishable u/ss 302, 120B of the
Indian Penal Code and Sections 3(1), 3(2), r(s), (va) of SC/ST
Act.



3. As per the prosecution case, the appellant and the co-accused persons along with 4-5 other unknown persons assaulted the son of the informant with bricks, rod and stick and inserted wooden stick in his mouth, due to which he died during the course of his treatment.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The name of the appellant has been sprung up in this case on mere suspicion. The occurrence took place on 16.05.2022 but the FIR was lodged on 20.05.2022 i.e. the delay of four days and there is no explanation for this delay. It is further submitted that there is no specific allegation against the appellant rather the allegation against the appellant is general and omnibus in nature. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 04.03.2025. The co-accused, Mahendra Das has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 20.09.2023 passed in Cr. Appeal (S.J.) No. 3089 of 2023 and the other co-



accused, Bihari Yadav has been granted regular bail by the Co-ordinate Bench of this Court vide order dated 27.07.2023 passed in Cr. Appeal No. 333 of 2023.

5. Learned Spl.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

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 05.03.2025 passed by the learned District & Additional Sessions Judge-III-cum-Special Judge, Bhagalpur in connection with Jagdishpur P.S. Case No. 195 of 2022 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 District & Additional Sessions Judge-III-cum-Special Judge, Bhagalpur in connection with Jagdishpur P.S. Case No. 195 of 2022.

(Chandra Prakash Singh, J)

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