

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1700 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- PAHARPUR District- East Champaran

Anish Sah @ Anish Kumar Son of Chhotlal Sah @ Chhotelal Sah Resident of
Village - Sareya Khoriya Patti, P.S. - Paharpur, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Umrawati Devi Wife of Krishna Ram @ Dukhi Ram Resident of Village -
Sareya Khoriya Patti, P.S. - Paharpur, District - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Abhay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-11-2025 Heard learned counsel for the appellant, respondent
no. 2 and the State.

2. This appeal has been filed against the order dated 13.03.2024 passed by learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in ABP No. 298 of 2024 in connection with Paharpur P.S. Case No. 377 of 2023, registered under Sections 302, 120(B), 34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected

3. As per the prosecution case, the informant's son went out with one Jitendra Sharma but did not return.



Thereafter, informant came to know that her son was killed by slitting his throat and his dead body was thrown near Samda Pokhar. Informant suspects that on account of land dispute, appellant and the co-accused persons killed her son.

4. Learned counsel for the appellant submits that informant is not an eye witness of the occurrence. From perusal of the F.I.R., it is apparent that son of the informant went out with Jitendra Sharma. On account of land dispute, this appellant has been made accused in this case on suspicion. No one has claimed to have seen this appellant in the company of the deceased or near his dead body. Moreover, appellant is not alleged to have abused the informant by caste name, hence, no offence under SC/ST Act is made out against him. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge, SC/ST (POA) Act, East Champaran, Motihari in ABP
No. 298 of 2024 in connection with Paharpur P.S. Case No. 377
of 2023.

7. Accordingly, this criminal appeal is allowed and
impugned order dated 13.03.2024 is set aside with respect to
this appellant only.

(Prabhat Kumar Singh, J)

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