

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1525 of 2025

Arising Out of PS. Case No.-279 Year-2024 Thana- KHAJAULI District- Madhubani

Shambhu Sahni @ Shambhu Kumar Sahni @ Shambhu Kumar Singh S/o
Ajay Sahani @ Ajabi Sahni R/o Vill.- Laskariya, P.S.- Jaynagar, Distt.-
Madhubani

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mahendra Prasad Das S/o Late Subodh Das R/o Vill.- Maina, Ward No.- 14,
P.S.- Khajauli, Distt.- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kumari Pallavi, Adv.
For the Respondent/s	:	Mr. Rabish Kumar, Adv.
		Mr. Adarsh Gaurav, Adv.
For the State		M.Usha Kumari 1, Spl.PP

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

ORAL ORDER

3 15-05-2025 Heard learned counsel for the appellant, learned
counsel for the respondent 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 29.01.2025 passed by the learned
A.D.J. 1st -cum-Special Judge (SC/ST Act), Madhubani in
connection with G.R. No. 193/2024 arising out of Khajauli P.S.
Case No. 279 of 2024 dated 04.12.2024 registered for the
alleged offences punishable under Sections 126(2), 103(1),
61(2) read with Section 3(5) of the B.N.S. and Section 27 of the



Arms Act and Sections 3(2)(va), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 04.12.2024 at 13.00 P.M., the informant was at his door of his house, in the meantime, the co-accused, Dhirendra Kumar Singh along with the two other persons arrived near the community hall situated near his house and started committing physical violence (*maarpit*) with his co-villagers and they were also holding weapons and then villagers chased them and snatched weapons but all three accused persons succeed to flee. After some time at about 2.30, again the co-accused, Direndra Kumar along with his other two associates by making a planned manner arrived near the Smudayik Bhawan where the informant's grandson aged about 12 years was standing there, in the meantime, the co-accused, Dhirendra Kumar Singh made fire on his grandson as a result of which his grandson sustained bullet injury in his head and thereafter they fled away. The informant brought his grandson to the hospital where the doctor declared him dead.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is no specific allegation against the appellant rather the specific allegation of firing is against the co-accused,



Dhirendra Kumar Singh. There is general and omnibus allegation against the appellant. Nothing has been recovered from the conscious possession of the appellant. It is further submitted that there is no allegation of abusing against the appellant and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant has four criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 11.12.2024.

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 29.01.2025 passed by the learned A.D.J. 1st -cum-Special Judge (SC/ST Act), Madhubani in connection with G.R. No. 193/2024 arising out of Khajauli P.S. Case No. 279 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 A.D.J. 1st -cum-
Special Judge (SC/ST Act), Madhubani in connection with
Khajauli P.S. Case No. 279 of 2024 with the condition :-

*(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 bond of the petitioner is liable to be cancelled.*

(Chandra Prakash Singh, J)

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