

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1684 of 2025

Arising Out of PS. Case No.-448 Year-2024 Thana- BELDOUR District- Khagaria

Mohd. Sajjad Ali Son of Md. Akhtar R/o - Ward No.- 02, Gram Dighoun,
P.O.- Dighoun, P.S.- Beldaur, District - Khagaria, Bihar, Pin - 852161.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dharmendra Kumar Son of Gulo Rajak R/o - Ward No.- 06, Gram Dighoun,
P.O.- Dighoun, P.S.- Beldaur, District - Khagaria, Bihar, Pin - 852161.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vishal Vikram Rana
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 31-07-2025 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 08.04.2025 passed by the learned DASJ-I-cum-
Special Judge, SC/ST (POA) Act, Khagaria in Beldaur P.S. Case
No. 448 of 2024 dated 28.12.2024 registered for the offence/s
punishable u/ss 126(2), 115(2), 303(2), 308(2), 352, 351(2) read
with section 3(5) of the BNS and 3(i)(r)(s) of the SC/ST (POA)
Act.



3. As per the prosecution case, when the informant and one Vimal Raj was going on the motorcycle, in the meantime, the appellant and the co-accused stopped them and demanded Rangdari by calling their caste name. When they protested, Md. Sazzad Ali assaulted the informant on his head and Md. Rakiv @ vicky snatched silver chain and Md. Diljan snatched Rs. 3500 from Kumar Vimal Raj on the point of Threenut.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. It is further submitted that the injured sustained injuries which are simple in nature. The appellant has three criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 26.03.2025.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition 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 08.04.2025 passed by the learned DASJ-I-cum- Special Judge, SC/ST (POA) Act, Khagaria in Beldaur P.S. Case No. 448 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 DASJ-I-cum- Special Judge, SC/ST (POA) Act, Khagaria in Beldaur P.S. Case No. 448 of 2024.

(Chandra Prakash Singh, J)

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