

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1757 of 2025**

Arising Out of PS. Case No.-78 Year-2024 Thana- BASANHI District- Saharsa

Chunchun Sah S/o- Yadu Sah @ Judu Sah @ Jaddu Sah Village- Gareri Tola  
W.No-7, Ps- Basnahi Dist- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Gajendra Sada S/o- Late Gorelal Sada Village- Kumarganj Ps- Basnahi Dist- Saharsa

... .. Respondent/s

**Appearance :**

|                      |   |                            |
|----------------------|---|----------------------------|
| For the Appellant/s  | : | Mr. Amarnath Jha, Advocate |
| For the Respondent/s | : | Mr. Binay Krishna, SPP     |
| For the Informant    | : | None                       |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

4      03-07-2025                      Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. None appears on behalf of the informant despite notice being validly served. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 02.04.2025 passed by learned Additional Sessions Judge Ist cum Special Judge, SC/ST Act, Saharsa whereby the prayer for bail of the appellant in connection with Special (SC/ST) Case No. 50 of 2024 arising out of Basnahi P.S. Case No. 78 of 2024 under Sections 341, 323, 324, 307, 447, 504, 34 of the IPC and Sections 3(i)(r)(s) , 3(2)(va) of SC/ST Act was rejected.



3. The prosecution case, in short, is that, on the alleged date and time of occurrence, eight accused persons including the appellant surrounded the informant and abused him with caste slurs and also stabbed him with knife. It is further alleged that the attack was due to demand for repayment of Rs. 45,000/- taken by one Yadu Shah.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that there is general and omnibus allegation against the accused persons. He further submits that as per FIR there is allegation against the appellant that he gave knife blow to the informant. He further submits that there is case and counter-case between the parties. He further submits that charge-sheet has been submits in this case and charge has also been framed. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 01.06.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State vehemently



opposed the prayer for grant of bail to the appellant, stating that there is direct allegation against the appellant of giving knife blow to the informant.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 02.04.2025 passed by learned Additional Sessions Judge Ist cum Special Judge, SC/ST Act, Saharsa in connection with Special (SC/ST) Case No. 50 of 2024 arising out of Basnahi P.S. Case No. 78 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special (SC/ST) Case No. 50 of 2024 arising out of Basnahi P.S. Case No. 78 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the appellant.

(III) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

8. The appeal stands allowed.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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