

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2158 of 2025

Arising Out of PS. Case No.-14 Year-2025 Thana- NAUHATTA District- Rohtas

Jairam Sah S/o- Late Tufani Sah Village- Ulli , PS- Nauhatta , Dist- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Kailash Dom Village Ulli , PS Nauhatta , Dist Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajani Kant Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, APP

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

ORAL ORDER

6 09-10-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 03.04.2025 passed by learned Additional District and Sessions Judge-17-cum-Special Judge, SC/ST, Rohtas at Sasaram whereby the prayer for bail of the appellant in connection with Nauhatta PS Case No. 14 of 2025 instituted under Sections 103(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(i)(r)(s) & 3(2)(va) of SC/ST Act was rejected.

3. The prosecution case, in brief, is that on 19.01.2025 at about 8 A.M., accused appellant and one Sunil Sah entered the house of Kailash Dom, and when his son Indal



Additional District and Sessions Judge-17-cum-Special Judge, SC/ST, Rohtas at Sasaram Dom tried to check their bag, he was struck on the head with a wooden stick, causing his death while being taken to the hospital.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Appellant is named in the FIR. From perusal of the FIR, it would manifest that there is no specific allegation against the appellant, rather the same is general and omnibus in nature. There was no intention of murder as no repetitive blow was given. Even as per postmortem report, cause of death is shock due to hemorrhage. 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 23.01.2025 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 03.04.2025 passed by Additional District and Sessions Judge-17-cum-Special Judge, SC/ST, Rohtas at Sasaram is hereby set aside.

7. Let the appellant 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 Nauhatta PS Case No. 14 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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