

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2320 of 2025

Arising Out of PS. Case No.-59 Year-2023 Thana- SHEOHAR District- Sheohar

Raju @ Bittu S/o Hukum Chandra @ Hukum Chand R/O-Village- H.No. 628
Kabir Basti Malkaganj @ Malkijang P.S- Sabji Mandi, District- Purani Delhi
... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ashok Ram S/o Kailash Ram R/o Village- Paradechiya Ward no.4, P.S. and District-Sheohar
... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Amrendra Kumar, Advocate Mr. Kumar Rajdeep, Advocate
For the Respondent/s	:	Mr. Usha Kumari I, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 18-12-2025 Heard learned counsel for the appellant 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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 24.04.2025 in connection with Sheohar P.S. Case No. 59 of 2023 passed by the learned District and Additional Sessions Judge 1st cum Special Judge, SC/ST (POA) Act, Sheohar registered for the offences punishable under Sections 363, 302, 201 and 34 of the Indian Penal Code and also Section 3 (2) (v) (w) (1) of the SC/ST (Prevention of Atrocities) Act.



3. The case of the respondent no. 2, in short, is that the deceased, Sabita Devi wife of Promad Ram was his aunt. On 24.03.2023 at about 4:00 P.M. she was taken away by Pawan Sah, who is her neighbour, on the pretext that he would arrange a loan for her. The deceased-Savita Devi accompanied him alongwith her fifteen months old child. When deceased-Savita Devi did not return, he started searching for her. On the same day i.e. 24.03.2023, the dead body of the aunt (deceased), Savita Devi was found in the *Baswari* of Sailendra Singh, however, her child is still missing.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case. It is further submitted during the course of investigation, Raish Ahamad gave his confessional statement and named the present appellant. It is further submitted that since the 15 months old child was recovered from the house of this appellant, he has been falsely implicated in the present case.

5. It is further submitted that at the time of recovery of the child, the appellant was not present at his house and only his wife was present. His wife was arrested and subsequently, granted bail by this Court. It is contended that save and except the confessional statement, there is no material against this



petitioner and there is no role of committing murder against this appellant. The only allegation against this appellant is that the child was found in his house. It is further submitted that co-accused persons have been granted bail by a co-ordinate Bench of this Court vide order dated 09.05.2024 passed in Cr. Appeal (SJ) No. 4007 of 2023. Moreover, the appellant has been languishing in judicial custody since 08.03.2025 having no criminal antecedent.

6. Learned Spl. P.P. for the State vehemently opposes the appeal and has submitted that the appellant and one pawan have formed a group and when they kidnapped somebody, they call them on the pretext of arranging loan for them.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 24.04.2025 in connection with Sheohar P.S. Case No. 59 of 2023 passed by the learned District and Additional Sessions Judge 1st cum Special Judge, SC/ST (POA) Act, Sheohar is hereby set aside and the appellant above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge 1st cum Special Judge, SC/ST (POA) Act, Sheohar in connection with the



Sheohar P.S. Case No. 59 of 2023.

8. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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