

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2628 of 2025

Arising Out of PS. Case No.-62 Year-2020 Thana- THAWE District- Gopalganj

Sunil Sah S/o- Krishna Sah Village- Kabilashpur Naharpar Ps- Thawe Dist-
Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Vinod Manjhi S/o- Late Jokhu Manjhi Village- Kabilashpur Naharpar Ps-
Thawe Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Irshad Ahmad Khan, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP

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

ORAL ORDER

4 09-10-2025 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 against the rejection of prayer for bail of the appellant vide order dated 13.06.2025 passed by the learned District & Additional Sessions Judge-XI-cum-Exclusive Judge SC/ST Act, Gopalganj in connection with Thawe P.S. Case No. 62 of 2020 dated 23.04.2020 registered for the alleged offences punishable under Sections 341, 323, 307, 379, 354, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(r)(s)(w)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. As per the prosecution case, on 21.04.2020, the informant was going to Gopalganj and when he reached near the house of the co-accused, Krishna Sah then the co-accused, Krishna Sah started abusing and assaulting him. When the informant protested then the co-accused, Krishna Sah called his sons namely, Sunil Sah (appellant) and Anil Sah. The appellant, Sunil Sah assaulted the informant with sword causing head injury to him. The co-accused, Anil Sah assaulted the informant with stick due to which he sustained injury in his body. When the informant's wife and his sons came to rescue him, they were also assaulted by the accused persons. The informant's wife sustained fracture injury in her hand. The co-accused, Urmila Devi snatched *mangalsutra* from the neck of the informant's wife. It is further alleged that the said incident happened due to a dispute related to grazing buffaloes.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is a delay of three days in lodging the F.I.R. without any explanation. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. As per the injury report of the injured, the injury is simple in nature caused by hard and blunt substance. Nothing has



been recovered from the conscious possession of the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State has vehemently 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 13.06.2025 passed by the learned District & Additional Sessions Judge-XI-cum-Exclusive Judge SC/ST Act, Gopalganj in connection with Thawe P.S. Case No. 62 of 2020, 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 District & Additional Sessions Judge-XI-cum-Exclusive Judge SC/ST Act, Gopalganj in connection with Thawe P.S. Case No. 62 of 2020.

(Chandra Prakash Singh, J)

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