

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2768 of 2025**

Arising Out of PS. Case No.-3 Year-2025 Thana- GOPALPUR District- Gopalganj

Sahana Khatoon @ Sahana Khatoon W/o Jamaluddin, D/o Matkarim Ansari
@ Mohammad Karim Ansari Resident of vill- Pahadpur, P.S- Gopalpur,
Distt.- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ajay Kumar Gond S/o Rajendra Gond R/o vill - Pachmawa, P.s.- Gopalpur,
Distt.- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Naresh Prasad
For the Respondent/s	:	Mr.Ashok Kumar Singh
For the Respondent No.2:		Mr. Dharamveer

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

ORAL ORDER

4 27-11-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail *vide* order dated
26.05.2025 passed by the learned Additional Sessions Judge-XI-
Cum- Special Judge, SC/ST Act, Gopalganj in connection with
Gopalpur P.S. Case No. 03/2025 dated 02.01.2025 registered for
the offence/s punishable u/ss 103(1), 238(a) and 61 read with
3(5) of the B.N.S. and Sections 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the appellant and the



co-accused persons in connivance with one another is alleged to have killed the informant's brother under conspiracy.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. As per the confessional statement of the petitioner, the specific allegation of committing murder is against the co-accused, Harullah Ali. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 04.01.2025.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant has vehemently opposed the prayer of bail. The CDR of the mobile number of deceased Govind Kumar Gond is 7493026534 and the mobile number of the FIR accused Shahana Khatun is 7015470280, which makes it clear that the last 05 calls of the deceased were made on the mobile number of the FIR accused of this case – 7016470280. On the night of 01.01.2025, Shahana Khatun's mobile no. 5015470280 talked to the deceased's mobile no. 7493026534 six times. As per the post-mortem, the cause of death is due to asphyxia as a result of ligature on the neck due to strangulation.



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 26.05.2025 passed by the learned Additional Sessions Judge-XI- Cum- Special Judge, SC/ST Act, Gopalganj in connection with Gopalpur P.S. Case No. 03/2025 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 Additional Sessions Judge-XI- Cum- Special Judge, SC/ST Act, Gopalganj in connection with Gopalpur P.S. Case No. 03/2025, with further condition:-

(i). The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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