

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2864 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- BIHRA District- Saharsa

Sachidanand @ Sadanand Paswan @ Sachidanand Prasad @ Sadanand @
Sachidanand Paswan S/o Nageshwar Paswan R/o Piprahi, Police Station-
Ghailadh, Distt- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Chulhay Paswan S/o Late Rameshwar Paswan R/o Vill- Bela Bagrauli, Ward
No 11, Police Station- Bihra, Distt- Saharsa

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Satish Kumar Singh, Advocate
For the Respondent	:	Mr. Usha Kumari 1, S.P.P
For the Informant	:	Mr. Amarnath Jha, Advocate

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

ORAL ORDER

4 16-10-2025 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
03.07.2025 passed by the learned Additional Sessions Judge I
cum Special Judge, SC/ST Act, Saharsa in Special Case No.
36/2025 arising out of Bihra P.S. Case No. 69/2025 dated
22.03.2025 registered for the offence/s punishable u/s 191(2),
191(3), 190, 103(1) and 61(2) of the B.N.S., Section 27 of the
Arms Act and Sections 3(2)(v) of the SC/ST Act.



3. As per the prosecution case, when the informant's son was going to Saharsa on his motorcycle in the way, the accused persons surrounded him and the co-accused, Md. Abdul Rehman fired on the chest of the informant's son due to which he fell on the ground. Thereafter, the appellant and the co-accused persons indiscriminately fired on the informant's son due to which he died on the spot. The informant has further alleged that the main conspirator of the alleged occurrence is the co-accused, Pradeep Kumar Thakur.

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. There is general and omnibus allegation against the appellant. Learned counsel has further submitted that the appellant also belongs to the same caste. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 29.03.2025.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail. Learned counsel for the informant has submitted that two witnesses have already been examined.



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 03.07.2025 passed by the learned Additional Sessions Judge I cum Special Judge, SC/ST Act, Saharsa in Special Case No. 36/2025 arising out of Bihra P.S. Case No. 69/2025 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 I cum Special Judge, SC/ST Act, Saharsa in Special Case No. 36/2025 arising out of Bihra P.S. Case No. 69/2025, 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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