

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2903 of 2025

Arising Out of PS. Case No.-64 Year-2025 Thana- Jhandapur District- Bhagalpur

Md. Ali S/O Umar Ali R/O Village- Kalasan, Ward No. 4, P.S- Chousa, Distt.-
Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bataso Devi W/O Panjabi Ravidas R/O Village- Jairampur, P.S- Bihpur,
Distt.- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nafisu Zzoha, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl PP

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

ORAL ORDER

3 25-09-2025 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor 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 in short referred to as the
SC/ST Act) against the refusal of prayer of bail vide order dated
02.07.2025 passed by the Court of learned District and
Additional Sessions Judge- III cum Special Judge (SC & ST
Act), Bhagalpur in connection with Special SC/ST Case No. 68
of 2025 arising out of Jhandapur P.S. Case No. 64 of 2025 Dated
28.04.2025 registered for the offence/s punishable u/ss 137(2)
and 140(1) of B.N.S. and Section 3(2) (va) of SC/ST Act.



3. As per the prosecution case, when the informant was taking rest at her Basa, the five accused persons along with three unknown persons came and abducted the informant's husband on the point of gun and it is further alleged that informant's son Deepak Kumar had an old enmity with the accused person due to which the accused persons took away the informant's husband by threatening to kill him.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the FIR. It is further submitted that the name of the petitioner has transpired in this case on the confessional statement of the apprehended co-accused person namely, Manish Kumar. The appellant has no concern with the alleged offence. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody in this case since 01.05.2025.

5. Learned Spl.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

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



02.07.2025 passed by the Court of learned District and Additional Sessions Judge- III cum Special Judge (SC & ST Act), Bhagalpur in connection with Special SC/ST Case No. 68 of 2025 arising out of Jhandapur P.S. Case No. 64 of 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 District and Additional Sessions Judge- III cum Special Judge (SC & ST Act), Bhagalpur in connection with Special SC/ST Case No. 68 of 2025 arising out of Jhandapur P.S. Case No. 64 of 2025.

(Chandra Prakash Singh, J)

Raj Ranjan/-

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