

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3934 of 2024

Arising Out of PS. Case No.-92 Year-2023 Thana- SONBERSHA RAJ District- Saharsa

1. Tota Ram Sam @ Arun Sah Son of Late Sundar Sah Residents of Prariya, Ward No.13, P.S. - Sonvarsha Raj (Kasnagar O.P.), District - Saharsa
2. Rajesh Sah Son of Tota Ram Sah @ Arun Sah Residents of Prariya, Ward No.13, P.S. - Sonvarsha Raj (Kasnagar O.P.), District - Saharsa

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sanjit Sada Son of Brahamdev Sada Residents of Prariya Ghat Musahri, Ward No.14, P.S. - Sonvarsha Raj (Kasnagar O.P.), District - Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md Obaidullah
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 06-02-2025 Heard learned counsel for the appellants and 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 26.04.2024 passed by the learned Additional Sessions Judge 1st Cum- Special Judge, SC/ST Act, Saharsa in connection with Sonvarsha Raj (Kasnagar O.P) P.S. Case No. 92/2023, Special Case No. 101/2023 registered for the offences punishable u/ss 341, 323, 302 and 504 read with Section 34 of the Indian Penal



Code and Sections 3(1)(r), 3((1)(s), 3(1)(w)(i), 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, on 22.4.2023 at around 4.00 pm, the informant went to cut grass along with the informant's daughter Resham Kumari and mother Masomat Julie Devi. While cutting grass, Tota Ram Sah and Rajesh Sah started assaulting the informant's daughter. When the informant's mother protested, they started abusing her by calling caste name and assaulted her. Somehow, the informant's mother brought Resham Kumari to her house. The informant, being a poor person, could not take her out for better treatment. On 23.04.2023 at 9.30 A.M., the informant's daughter Resham Kumari died.

4. Learned counsel for the appellants has submitted that the appellants have 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 appellants hence no case under the SC/ST Act is made out against the appellants. As per the Post Mortem Report, the cause of death is due to asphyxia due to strangulation. The appellants have no criminal antecedent as stated at para 3 of the



bail petition. The appellants are in custody since 10.05.2023 and 09.08.2023 respectively.

5. Learned counsel learned Spl. P.P. for the State has 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 appellants, the impugned order dated 26.04.2024 passed by the learned Additional Sessions Judge 1st Cum- Special Judge, SC/ST Act, Saharsa in connection with Sonvarsha Raj (Kasnagar O.P) P.S. Case No. 92/2023, Special Case No. 101/2023 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st Cum- Special Judge, SC/ST Act, Saharsa in connection with Sonvarsha Raj (Kasnagar O.P) P.S. Case No. 92/2023, Special Case No. 101/2023.

(Chandra Prakash Singh, J)

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