

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3767 of 2025

Arising Out of PS. Case No.-149 Year-2019 Thana- MADHUBAN District- East Champaran

Kishori sah son of Late Subedar Sah Resident of village - Hasgari Talimpur,
Ps- Madhuban, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Most. Sunam Devi Wife of Late Santosh Ram Resident of Village -
Bakitkam, Ps- Madhuban, Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Advocate.

For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-11-2025 1. Heard learned counsel for the appellant and the
learned Special P.P. Mr. Binay Krishna.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) has been preferred by the appellant challenging the order
dated 07.08.2025 passed by the learned Exclusive Special
Judge, SC/ST Act, East Champaran, Motihari in connection with
Tr. No.66/2020, arising out of Madhuban P.S. Case
No.149/2019, registered under Sections 341, 323, 324, 307, 302,
354(B), 504, 506, 34 of the Indian Penal Code as well as
Sections 3(i)(r)(s), 2(v)(a) of the SC/ST (POA) Act.



3. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and is in custody since 22.07.2025. It is next submitted that informant, who is widow of the deceased alleges that her husband Santosh Ram was a labour of mukhiya Bishu Sah and her husband was demanding his outstanding wages, when Bishu Sah told him that he would pay the entire wages, if he continues the work, it is next alleged that Bishu Sah asked her husband to come on 07.07.2019 for rendition of account and payment of the outstanding wages, accordingly, her husband went to the house of Bishu Sah, where Sanjay, Shambhu, Kishori Sah (appellant), Motilal, Lalan, Dinesh and Pramod were present along with other unknown accused, it is next alleged that when her husband demanded his outstanding wages, when all the accused became angry and started assaulting him with fist, slaps, stick and iron rod and were abusing by taking caste name, the informant on alarm came to the place of occurrence and saw that Sanjay was assaulting her husband by an iron rod and Shambhu assaulted him on legs, abdomen and private parts, on account of which, her husband became unconscious, further the accused persons also unveiled her, it is next alleged that her husband was treated by Dr. Harendra Prasad but was referred for better treatment and



during course of treatment, her husband died.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that police after threadbare investigation came to a considered conclusion that appellant is innocent and thus submitted Final Form No. 88/2020 dated 27.03.2020, exonerating the appellant of the allegation, as alleged in the FIR but then the learned trial court differing with the police report, took cognizance and thereafter the appellant was arrested. It is next submitted that when one investigating agency after threadbare investigation came to a considered conclusion that appellant is innocent, whether it would be prudent for the Court to keep the appellant in jail based on an order of cognizance which came to be taken based on the same police report which exonerated the appellant of the allegation. It is submitted that appellant will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned Special Public Prosecutor Mr. Binay Krishna opposes the prayer for bail of the appellant.

6. Considering the submission of the learned counsel appearing on behalf of the appellant, the appellant, above named, is directed to be released on bail on furnishing bail bond



of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

8. However, it is made clear that if the learned trial court comes to a conclusion that appellant after his release is trying to delay the framing of charge or after framing of charge is trying to delay the trial, in both the conditions, the learned trial court shall be at liberty to cancel the bail bonds of the appellant.

(Satyavrat Verma, J)

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