

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3820 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- SALAKHUA District- Saharsa

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1. Tejo Sada Son of Paltan Sada R/o - Kawaiya Musahari, Ward No.04, P.S - Salakhua, District - Saharsa
 2. Sanjay Sada son of Sita Ram Sada R/o - Kawaiya Musahari, Ward No.04, P.S - Salakhua, District - Saharsa
 3. Budhan Sada son of Jitan Sada R/o - Kawaiya Musahari, Ward No.04, P.S - Salakhua, District - Saharsa
 4. Rajo Sada son of Late Fulchand Sada R/o - Kawaiya Musahari, Ward No.04, P.S - Salakhua, District - Saharsa
 5. Raj Kumar @ Raj Kumar Sada son of Bhumi Sada R/o - Kawaiya Musahari, Ward No.04, P.S - Salakhua, District - Saharsa

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Deepak Kumar Sada son of Late Rajendra Sada R/o - Kawaiya Musahari, Ward No.04, P.S - Salakhua, District - Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Binod Murari Mishra, Adv.
For the informant	:	Mr. Amarnath Jha, Adv.
For the Respondent/s	:	Mr. Umanath Mishra, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 13-11-2025 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. P.P. 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 against the rejection of prayer for bail of the appellants vide order dated 05.08.2025 passed by the learned Additional Sessions Judge-Ist, Saharsa in connection with



Salakhua P.S. Case No. 51 of 2025 dated 28.03.2025 registered for the alleged offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109(1), 117(2), 303(2), 352, 351(2), 351(3), 103(1) of the B.N.S. and Sections 3(1)(r), 3(1)(s), 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 27.08.2025, when the informant and his father were taking meal in their courtyard, in the meantime, the appellants and the co-accused persons came there and the appellant Raj Kumar Sada took the handle of the hand-pump from the informant's wife and assaulted the informant causing injuries to him. It is further alleged that the co-accused, Deepak Yadav caught hold of the informant's father and the co-accused, Dhiraj Yadav, Vikash Yadav and Parmanand Yadav assaulted the informant's father with rod, lathi and danda due to which he sustained injury. The accused persons also assaulted the informant's wife, mother and his family members causing injuries to them. It is further alleged that the accused persons took golden chain of the informant's wife and bhabhi. Thereafter, the informant's father was taken to the hospital where the doctor declared him dead.

4. Learned counsel for the appellants submits that the



appellants are innocent and have falsely been implicated in this case. There is a land dispute between the parties. Nothing has been recovered from the conscious possession of the appellants. The specific allegation of assault to the informant's father is against the co-accused persons. There is no specific allegation against the appellants except the appellant no. 5 who assaulted the informant. As per the injury report of the informant, the informant sustained two injuries which are stated to be grievous in nature and one of the injuries was found on the vital part of the body. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under SC/ST Act. It is further submitted that the appellants have no concern with the alleged offence. The appellants have no criminal antecedent as stated in para 3 of the bail petition. The appellants are in custody since 29.03.2025.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have vehemently opposed the prayer for bail of the appellants.

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 05.08.2025 passed by the learned Additional Sessions Judge-Ist,



Saharsa in connection with Salakhua P.S. Case No. 51 of 2025 ,
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-Ist, Saharsa in connection with
Salakhua P.S. Case No. 51 of 2025.

(Chandra Prakash Singh, J)

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