

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5190 of 2024**

Arising Out of PS. Case No.-52 Year-2024 Thana- CHAORI District- Bhojpur

Sanjay Gosain @ Sanjay Bharti @ Sanjay Gosai S/O Late Suresh Bharti R/O
Village- Diliyan, P.S- Chauri, Distt.- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mina Devi W/O Aghanu Ram R/O Village and P.O- Diliya, P.S- Chauri,
Distt.- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Prabhat Kumar Singh, Adv. Mr. Raju Kashyap, Adv. Ms. Priya, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP

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

ORAL ORDER

6 24-07-2025 Heard learned counsel for the appellant 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 against the rejection of prayer for bail vide order dated 27.09.2024 passed by the learned Additional Session Judge-Ist-cum-Special Judge, SC/ST, Bhojpur at Ara in connection with Chauri P.S. Case No. 52 of 2024 dated 08.05.2024 registered for the offence/s punishable u/ss 302, 120B read with section 34 of the Indian Penal Code, section 27 of the Arms Act and sections 3 (2) (v) of the SC/ST (POA) Act.



3. As per the prosecution case, when the informant and her husband were guarding the palm tree and mango tree, in the meantime, the appellant and other co-accused persons came with a pistol and abused the informant's husband and assaulted him with fists and slaps. Thereafter, the co-accused Akhilesh Yadav fired on the informant's husband due to that he died.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. There is general and omnibus allegation against the appellant. The specific allegation of firing on the informant's husband is against the co-accused Akhilesh Yadav. The other co-accused person has already been granted bail by this court *vide* order dated 06.02.2025 passed in Cr. Appeal (S.J). No. 4123/2024. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 28.05.2024.

5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that the



appellant is one of the assailants and at the time of committing murder, he was present on the spot.

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 27.09.2024 passed by the learned Additional Session Judge-Ist-cum-Special Judge, SC/ST, Bhojpur at Ara in connection with Chauri P.S. Case No. 52 of 2024, 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 Session Judge-Ist-cum-Special Judge, SC/ST, Bhojpur at Ara in connection with Chauri P.S. Case No. 52 of 2024.

(Chandra Prakash Singh, J)

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