

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5175 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- KATIHAR NAGAR District- Katihar

Satyam Sah @ Kislay S/o- Aditya Sah @ Aditya Kumar Sah Resident of Bari Haat Purnea, Ward No.21 @ Bari Hat Purnia, P.S.-K.Haat Sahayak @ K.Hat Sahayak @ Sahayak Khajanchi, District-Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Paswan S/o- Late Gore Lal Paswan R/o- Driver Tola Ps-Nagar dist- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sushil Kumar Jha
For the Respondent/s	:	Mr.Sadanand Paswan
		Mr. Satish Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-02-2025 **1.** Heard learned counsel for the appellant, learned Spl. P.P. for the State, Shri. Sadanand Paswan and the learned counsel appearing on behalf of the informant.

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”) against the refusal of prayer for regular bail vide order dated 24.10.2024 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge S.C./S.T., Katihar, in connection with Katihar Nagar, P.S. Case No. 141 of 2024 registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and Sections 3(2)(v) of



the SC/ST Act and Sections 25(1B) A/26/27/35 of Arms Act.

3. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and is a young boy aged about 24 years and is in custody since 31-3-2024 and charge-sheet has been submitted. It is also submitted that appellant is not named in the FIR and his name transpired based on confessional statement of Ravi Jaiswal and Ashok Das. It is further submitted that Ashok Das has been granted the privilege of regular bail by an order dated 24-1-2025 in Cr. Appeal (SJ) No. 5523 of 2024. It is next submitted that based on the confessional statement of the apprehended accused, the appellant was arrested and the apprehended accused in their confessional statement alleged against this appellant that he had transferred an amount of Rs. 1,500/- to a mechanic for repairing the motorcycle of Mukesh Das, which was used in the crime, i.e., in murder of the son of the informant on 6-3-2024. It is further submitted that though in the impugned order, it has been recorded that this appellant wrapped the motorcycle, which was used in the occurrence, by a black sticker, but then no such fact during the course of investigation transpired. It is also submitted that no doubt the appellant was known to Raja Jha and it was on his insistence, he paid an amount of Rs. 1,500/- to the mechanic,



who had dealt with the motorcycle used in the crime, but then the payment to the mechanic was made online on 18-2-2024, it is thus submitted that had the appellant been aware of the fact that the motorcycle would be used in a crime subsequently on 6-3-2024, whether he would have made online payment to the mechanic and thus would have created evidence against himself and hence would have been implicated.

4. It is next submitted that appellant and his father run an electronic number plate shop. It is also submitted that appellant is a resident of Purnea and the occurrence was committed at Katihar and that too on 6-3-2024.

5. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for bail of the appellant, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that Ashok Das has been granted the privilege of regular bail by an order dated 24-1-2025 in Cr. Appeal (SJ) No. 5523 of 2024 and the appellant was not named in the FIR and his name transpired based on confessional statement of apprehended accused.

6. Regard being had to the aforesaid submissions, the order dated 24.10.2024 is set-aside.



7. The appeal stands allowed.

8. The appellant, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 45,000/- (Rupees Forty Five Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-1-cum- Special Judge, SC/ST, Katihar in connection with Katihar Nagar P. S. Case No.141 of 2024.

9. it is made clear that if the learned trial Court comes to a conclusion that the appellant after his release is trying to delay the trial in any manner, the learned trial Court shall be at liberty to cancel the bail bonds of the appellant.

(Satyavrat Verma, J)

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