

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5423 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- JHAJHA District- Jamui

MAHENDRA SAW @ MAHENDRA SAH S/o Late Shibu Saw @ Shibu Sah
R/o village-Tar Khanjari (Sugwa Uran), P.S-Jhajha, District-Jamui.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amrendra Kumar
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

4 07-08-2025 Heard learned counsel for the appellant 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 against the rejection of prayer for bail vide order dated 05.09.2023 passed by the learned ADJ 1st cum Special Judge, SC/ST (POA) Act, Jamui in connection with Jhajha P.S. Case No. 278 of 2023 dated 05.06.2023 registered for the offence/s punishable u/ss 302, 120B read with section 34 of the Indian Penal Code, 27 of the Arms Act and section 3(1)(r) (s) / 3(2)(v) 3(2) (va) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have shot the informant's



husband dead.

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 SC/ST Act. There is nothing against the appellant except the suspicion. There is no eyewitness to the alleged occurrence. Similarly situated co-accused has already been granted bail by coordinate bench of this Court vide order dated 01.03.2024 passed in Cr. Appeal (SJ) No. 4251 of 2023. The appellant has no criminal antecedent as stated in para 3 of the bail petition. As per the impugned order, the appellant is in custody since 08.06.2023.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant. As per the para 14 of the case diary, the deceased was last seen alive with the petitioner.

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



05.09.2023 passed by the learned ADJ 1st cum Special Judge, SC/ST (POA) Act, Jamui in connection with Jhajha P.S. Case No. 278 of 2023, 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 ADJ 1st cum Special Judge, SC/ST (POA) Act, Jamui in connection with Jhajha P.S. Case No. 278 of 2023, with the condition/s:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

guddukr/-

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