

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5475 of 2024

Arising Out of PS. Case No.-227 Year-2024 Thana- SHEOHAR District- Sheohar

Sukhari Das Son of Lt. Mahesh Das Resident of Village- Tajpur, P.S. and Distt.- Sheohar

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Bhola Ram Son of Shri Ram Resident of Village- Ijorbara, P.S.- Phenhara, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sangeet Deokuliar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Prateek Tandon, Advocate
	:	Mr. Rohit Tandon,

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 27-06-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 20.09.2024 passed by learned 1st Additional Session Judge-cum-Special Judge, POCSO, Sheohar whereby the prayer for bail of the appellant in connection with Sheohar P.S. Case No. 227 of 2024 under Sections 103(1), 3(5) of BNS and 3(2)(v) of the SC/ST Act was rejected.

3. Prosecution story, in short, is that, during a local fair, the informant’s 11-year old son was found dead in a pond



after receiving threats from a swing (*Jhula*) operator over theft allegation. The informant suspects that swing operator, along with his wife and others has murdered his son and thrown his dead body in a pond.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submits that there is a delay of two days in lodging the FIR without any plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submits that the entire prosecution case is based on suspicion on the basis of petty dispute that took place a month ago. Learned counsel further submits that none of the witnesses have stated that they have seen the appellant with the deceased. There is no eye-witness to the occurrence. Learned counsel further submits that as per post-mortem report, the deceased died of drowning. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 16.08.2024 and has no criminal antecedent.



5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, there being no cogent material against the appellant and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 20.09.2024 passed by learned 1st Additional Session Judge-cum-Special Judge, POCSO, Sheohar is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sheohar P.S. Case No. 227 of 2024.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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