

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5556 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- SC/ST District- Saharsa

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1. Sanjay Jha Son of Nav Kant Jha @ Lal Jha Resident of village -Kahra, Ward No. 13, PS -Saharsa, District -Saharsa
 2. Aditya Jha @ Chhotu Jha @ Aditya Raj Son of Sanjay Jha Resident of village -Kahra, Ward No. 13, PS -Saharsa, District -Saharsa
 3. Raman Yadav @ Arpit Anand Resident of Village- Batraha, Ward No. 25/26, P.S. and District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Kumar Das Son of Shambhu Das Resident of Kahra Kutti, Ward No. 11, P.S. and District- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pranav Kumar Jha, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant/s	:	Mr. Ashok Kumar Gupta, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 27-02-2025 Heard learned counsel for the appellants, learned counsel for the informant 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 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 16.11.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST, Saharsa in connection with Saharsa



SC/ST P.S. Case No. 04 of 2024 dated 14.02.2024 registered for the offence/s punishable u/ss 147, 148, 149, 341, 342, 323, 363, 307, 504 and 506 of the Indian Penal Code and Sections 3(1)(r) (s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act.

3. As per the prosecution case, when the informant with his friends went to the motorcycle garage for repairing of his motorcycle, in the meantime, 20 miscreants came there by four-wheelers and motorcycles and surrounded and abused them. Thereafter, all the accused persons caught the informant and his friends and assaulted with hockey, lathi and rod. It is further alleged that the appellant no.1, Sanjay Jha fired by his pistol upon the informant which passed beside the body of the informant. Further, on seeing the people, all the accused persons threatened to kill the informant and his friends if a case is lodged against them.

4. Learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated in this case due to ulterior motive. As per injury report of the injured, the injury is simple in nature caused by hard and blunt substance. There is no allegation of abusing and firing against the appellants and hence, no offence under the provisions of SC/ST Act is made out against the appellants. The appellant



no.1 has 16 criminal antecedents in which he is acquitted in three cases and appellant no.2 has seven criminal antecedents in which he is on bail in all the cases and appellant no.3 has two criminal antecedents in which he is acquitted in both cases as stated at para 3 of the bail petition. The appellants are in custody since 26.06.2024.

5. Learned Spl. P.P. for the State and learned counsel for the informant have vehemently opposed the prayer of bail.

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 16.11.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST, Saharsa in connection with Saharsa P.S. Case No. 04 of 2024 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-1st-cum-Special Judge, SC/ST, Saharsa in connection with Saharsa SC/ST P.S. Case No. 04 of 2024, with the condition:-



(i) That the appellants are 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)

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