

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5525 of 2024

Arising Out of PS. Case No.-190 Year-2024 Thana- MADHUBAN District- East Champaran

Satya Narayan Sahani @ Satrudhan Kumar @ Shatrudhan Sahani S/o-
Kailash Sahani @ Kailash Sahni Resident of village- Paithaniya Ps- Chakiya
District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Nirmala Devi W/o- Indal Paswan Village- Chak Chauhani W.No-9, Ps-
Garahiya Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 01-07-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 19-09-2024 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari whereby the prayer for bail of the appellant in connection with Madhuban (Garahiya O.P) PS Case No. 190 of 2024 instituted under Sections 364 & 34 of the Indian Penal Code (for short 'IPC') and Section 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on 10.05.2024, Sunil Sahani and Satyanarayan Sahani (appellant) took the informant's husband from their home for work, after which he



went missing. When she inquired, Sunil evaded her calls, and later abused and assaulted her when confronted. She alleges that both accused have killed her husband.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. It is submitted that there is delay of three days in lodging the FIR. It is next submitted that nobody has claimed to see the appellant in the company of the informant's husband. From perusal of the FIR, it appears that only suspicion has been raised against the appellant. Even from perusal of the confessional statement of the appellant, it would manifest that appellant was not at all involved in the alleged occurrence. 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 28-08-2024 and has one criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and has submitted that husband of the informant is still traceless and as



per the FIR, there is direct allegation against the appellant.

6. Considering the aforesaid facts and circumstances of the case, there being no cogent material available against the petitioner, charge sheet being submitted 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 19-09-2024 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari is hereby set aside.

7. Let the appellant 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 Madhuban (Garahiya O.P) PS Case No. 190 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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