

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.483 of 2026

Arising Out of PS. Case No.-359 Year-2023 Thana- DARAUNDA District- Siwan

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Raju Sah S/O Sri Omprakash Sah Resident of Village- Ujjain, P.S.- Daraunda,
District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mohan Ram S/O Late Jhagru Ram R/O Village- Sawan Bigrah, P.S-
Daraunda, Distt.- Siwan.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Prabhakar Singh, Advocate Ms. Ritika Kumari, Advocate Mr. Anubhav Vats, Advocate Mr. Sumit Kumar, Advocate Mr. Pranav Bhaskar
For the Respondent/s	:	Mr. Usha Kumari 1
For the Res No. 2	:	Mr. Hareram Singh Mr. Braj Nandan Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 23-04-2026 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State as well as learned

counsel appearing on behalf of the Respondent No. 2.

2. The present appeal has been preferred against the

order dated 21.01.2026 passed by the learned District and

Additional Sessions Judge-I-cum-Special Judge, SC/ST Act,

Siwan in connection with Daraunda P.S. Case No. 359 of 2023

registered for the offence punishable under Sections 302, 201/34

of the Indian Penal Code and Section 3(2)(v)(va) of the SC/ST

Act, whereby the prayer for bail of the appellant has been



rejected.

3. According to the FIR, the informant's son, Ashrafi Kumar alias Raju Kumar, went to work on November 25, 2023, but did not return home. The next morning, his body was found in a ditch with multiple deep injuries. The informant alleges that unknown persons murdered him, allegedly due to his *Dalit* identity.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. It is further submitted that the appellant is not named in the FIR, and no incriminating material has been recovered from him. It is also submitted that none of the family members of the deceased has named the appellant in connection with the offence, and he has been falsely implicated on the basis of the confession of co-accused Satyendra Sah.

5. It is further submitted that there is no allegation of intentional insult or intimidation with intent to humiliate the informant in any public place or within public view so as to attract the provisions of the SC/ST Act. It is also submitted that the appellant has been in custody since 12.12.2025 and has no criminal antecedents.

6. Learned Special Public Prosecutor for the State and



learned counsel for the informant have opposed the prayer for bail.

7. I have considered the rival submissions and carefully perused the records of the case. It appears that initially no one was named in the FIR for the alleged murder of the deceased. Subsequently, after about two years, the appellant has been arrested on the basis of the confessional statement of a co-accused. Even as per the said confession, the appellant is not stated to be the assailant of the deceased. Further, the essential ingredients required for attracting the provisions of the SC/ST Act do not *prima facie* appear to be made out against the appellant.

8. Accordingly, the impugned order dated 21.01.2026 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Siwan in connection with Daraunda P.S. Case No. 359 of 2023 is set aside and the appeal is allowed.

9. Let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Daraunda P.S. Case No. 359 of 2023 .



10. It is made clear that the observations made herein are *prima facie* in nature and confined only to the adjudication of the present appeal for bail and shall not be construed as an expression on the merits of the case.

(Sandeep Kumar, J)

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