

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3159 of 2025

Arising Out of PS. Case No.-134 Year-2024 Thana- BELSAND District- Sitamarhi

Vijay Sahni S/o Buta Sahni @ Bhutta Sahni R/o Village- Kansar, P.S.-
Belsand, District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Sarswati Devi W/o Jay Kishore Chaudhary R/o ward no. 13, Vill - Kansar,
P.S.- Belsand, Distt.- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinod Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, SPP
For the Informant	:	Mr. Dinesh Jha, Advocate

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

ORAL ORDER

4 29-01-2026 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 17.04.2025 passed by learned 1st
Additional Sessions Judge-cum-Special Judge, SC/ST (PoA)
Act, Sitamarhi whereby the prayer for bail of the appellant in
connection with Belsand PS Case No. 134 of 2024 instituted
under Section 103 of the Bharatiya Nyaya Sanhita, 2023 and
Section 3(2)(v) of SC/ST Act was rejected.

3. The prosecution case, in brief, is that the appellant
had taken Rs. 4,000/- from the informant. When the informant



and her husband demanded the money, the appellant allegedly took her husband to Bagmati Bundh and assaulted him with a sword, causing fatal injuries. The husband later died while being taken for treatment at PHC Belsand.

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. There is no eye witness to the occurrence. It is next submitted that from perusal of the postmortem report, it would reveal that there is single injury in left hand, which is not sufficient for causing death. 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 18.09.2024 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. Learned counsel for the informant submits that three (3) out of five (5) charge sheet witnesses have been examined in this case. Learned APP has further relied upon a decision of



the Hon'ble Apex Court reported in **2024 SCC Online SC 3539**
(X. vs. State of Rajasthan & Anr.), wherein in paragraph No.14,
Hon'ble Apex Court has observed as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

6. Considering the aforesaid facts and circumstances of the case, taking into account the fact that trial has commenced and it is at an advance stage, this Court, at this stage, is not inclined to allow to appeal. Appeal is, accordingly, ***dismissed.***

7. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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