

# Suresh Sah vs The State Of Bihar on 6 March, 2025

**Author: Anil Kumar Sinha**

**Bench: Anil Kumar Sinha**

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.196 of 2025

Arising Out of PS. Case No.-650 Year-2024 Thana- KATIHAR NAGAR District

=====

Suresh Sah S/O Late Badal Sah R/O Village- Sharifganj, P.S- Katihar  
(Sahayak), Distt.- Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Suraj Kumar Paswan S/O Ashok Paswan R/O Village- Gandhi Tola, P.S-  
Manjhari, Distt.- Katihar.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra

For the Respondent/s : Mr. Usha Kumari 1

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 06-03-2025

1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.

2. An order, dated 25.11.2024, passed by learned District and Additional Session Judge I -cum- Special Judge SC/ST, Katihar, in ABP No. 19 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Katihar Nagar Police Station Case No. 650 of 2024 registered for the offence punishable under Sections 316(2) /318(4) /126(2) /115(2) /352/351(2)/ 351(3)/ 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 3 (1)(r)(s) of the Schedule Caste/Schedule Tribe Patna High Court CR. APP (SJ) No.196 of 2025(3) dt.06-03-2025 (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that the informant was having friendship with the petitioner for the last 7-8 year and in the year 2021, the co-accused Ashish Kumar informed the informant about the sale and purchase of old vehicle, for which, an agreement was executed in February, 2022 between the co-accused and the informant, along with 16 persons. The informant paid a sum of Rs. 56,00,000/- to the co-accused Ashish Kumar and Suresh Sah and it was decided that after payment of rest amount of Rs. 40,00,000/- by May, 2023, total 17 old vehicles will be delivered to the informant. It has further been alleged that the informant demand delivery of vehicles after payment of due amount from the co-accused Ashish Kumar and Suresh

Sah, who made excuses. On 13.08.2024, when the informant and others went to the house of co-accused Suresh Sah, they were abused by caste name and were assaulted with sticks. It is also alleged that the accused persons pointed pistol on the informant and threatened him to implicate in false case.

4. Learned counsel for the appellant submits that the Patna High Court CR. APP (SJ) No.196 of 2025(3) dt.06-03-2025 appellant has falsely been implicated in the present case due to money transaction on the basis of false and concocted story. He next submits that specific allegation is against co-accused Ashish Kumar, who is son of the appellant. The alleged money transaction took place between the appellant and co-accused Ashish Kumar and the appellant is having no concern with the same. He next submits that an informatory petition no. 76 of 2018 against the co-accused Ashish Kumar was filed, stating inter alia therein, that the co-accused Ashish Kumar is a graduate student, who fell in bad company due to which he was ousted on 15.12.2017. The petitioner is father of co-accused Ashish Kumar with whom informant entered into agreement for supply of vehicles, money was not transferred in the bank account of the petitioner and petitioner is not the signatory of the agreement. He further submits that the provision for SC/ST Act is not attracted against the appellant inasmuch caste based abuse was not made in full public view. The appellant is having no criminal antecedent.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and Patna High Court CR. APP (SJ) No.196 of 2025(3) dt.06-03-2025 submits that the appellant was present at the time of agreement and a sum of Rs. 56,00,000/- was paid to the son of the appellant in his presence. He also submits that a sum of Rs. 60,000/- was transferred into the accounts of another son of the appellant, namely, Rohit Kumar, in whose context no averment has been made. He further submits caste based abuse was made by the appellant on demand of vehicles.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the appellant has been made accused due to money transaction which took place between the informant and the co-accused Ashish Kumar, caste based abuse is not in full public view, accordingly, I am inclined to grant the appellant privilege of anticipatory bail.

7. This appeal is, accordingly, allowed and the order, dated 25.11.2024, passed by learned District and Additional Session Judge I -cum- Special Judge SC/ST, Katihar, in ABP No. 19 of 2024, is set aside.

8. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be Patna High Court CR. APP (SJ) No.196 of 2025(3) dt.06-03-2025 released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District and Additional Session Judge I -cum- Special Judge SC/ST, Katihar, in connection with Katihar Nagar Police Station Case No. 650 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J) ashwani/-

U T