

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3559 of 2022

Arising Out of PS. Case No.-313 Year-2022 Thana- BIKRAM District- Patna

SONU YADAV @ SONU KUMAR YADAV Son of Late Ramnath Yadav
R/o-Faridpur, Baghakaul, P.S.- Bikram District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. SEEMA DEVI Wife of Late Dharmendra Kumar R/o-Faridpur, Baghakaul,
P.S.- Bikram District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Patanjali Rishi,Advocate

Mrs.Pruna Rishi,Advocate

For the Respondent/s : Mr.Binay Krishna,Spl.P.P.

Mr.Shashank Shekhar,Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 29-04-2023 Heard learned counsel for the appellant, learned
Special P.P. for the State and learned counsel appearing on
behalf of respondent no. 2.

The present appeal has been filed against order dated
08.09.2022 passed by learned Exclusive Special Court,
Scheduled Castes and Scheduled Tribes, Patna in Bikram P.S.
Case No. 313 of 2022 registered for the offence punishable
under Sections 302/120B/34 of the Indian Penal Code, Section
27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes
and the Scheduled Tribes (POA) Act (for short “SC/ST Act”),
whereby the prayer for anticipatory bail of appellant was
rejected.



The prosecution case, in brief, is that on 13.07.2022 at about 10:30 PM, while the husband of informant went on motorcycle alongwith his brother to attend his duty, at about 11:30 PM, brother of husband of informant came running and informed that the F.I.R. named accused persons abused and surrounded them and thereafter, co-accused Rajesh Kumar fired from his pistol, which hit on chest of his brother (deceased) resulting in death of husband of the informant.

Learned counsel for the appellant submits that appellant is not named in the F.I.R. Specific allegation of causing gun shot injury on the chest of the deceased is against co-accused Rajesh Kumar. There is no allegation of abuse by caste name and as such, no case under the SC/ST Act is made out.

However, learned Special P.P. as well as learned counsel for the respondent no. 2 vehemently oppose the appeal.

Considering the aforesaid facts and circumstances, the impugned order dated 08.09.2022, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, Scheduled Castes and Scheduled Tribes, Patna in connection with Bikram P.S. Case No. 313 of 2022.

(Prabhat Kumar Singh, J)

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