

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1080 of 2023**

Arising Out of PS. Case No.-128 Year-2022 Thana- SAHIYARA District- Sitamarhi

Raushan Yadav @ Raushan Kumar @ Raushan Kumar Yadav S/O Ajay Yadav
Resident of village- Gaivipur, P.S.- Punaura, District- Sitamarhi.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RUBI DEVI W/O UMESH THAKUR Resident of village-Sahiyara, P.S.-
Sahiyara, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anuj Kumar

For the Respondent/s : Mrs.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

14 09-05-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 20.12.2022 passed by the learned court of 1st Addl. Sessions Judge-cum-Spl. Judge, SC/ST (POA) Act, Sitamarhi in connection with Sahiyara P.S. Case No. 128/2022, registered for the offence/s punishable u/ss 307, 120B read with 34 of the



Indian Penal Code, u/s 25(1-b)a, 26, 35, 27 of the Arms Act and u/s 3(i) (r)(s) of the SC/ST Act.

3. As per the prosecution case, some villagers informed the informant that her husband was shot by some miscreants who were apprehended by the villagers along with their pistol, mobile phone and motorcycle. In the meantime, the informant took her husband for treatment. Further, the informant stated that there is a land dispute between the informant's husband and the cousin father-in-law, Sitaram Thakur and the petitioner, for which she had also lodged a case. The petitioner and the co-accused, Sitaram Thakur always threatened to kill her husband. The apprehended criminal confessed that on instigation of the co-accused, Sitaram Thakur and the petitioner, they came to kill the husband of the informant.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellant. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has no criminal antecedent as stated in para 3



of the bail petition. Similarly situated co-accused person has already been granted bail by this Court vide order dated 02.05.2024 passed in Cr. Appeal (SJ) No. 3088 of 2023. The appellant is in custody since 02.10.2022.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 20.12.2022 passed by the learned court of 1st Addl. Sessions Judge-cum-Spl. Judge, SC/ST (POA) Act, Sitamarhi in connection with Sahiyara P.S. Case No. 128/2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the 1 learned court of 1st Addl. Sessions Judge-cum-Spl. Judge, SC/ST (POA) Act, Sitamarhi in connection with Sahiyara P.S. Case No. 128/2022 with the condition:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date,



failing which on two consecutive dates without reasonable
cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

Ranjeet/-

U		T	
---	--	---	--

