

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1440 of 2024

Arising Out of PS. Case No.-366 Year-2023 Thana- MURLIGANJ District- Madhepura

Pandav Yadav @ Pandav Kumar Son of Ram Kumar Yadav Resident of Village- Kaushalpur, Ward No.-08, Police Station- Madhepura (Bharahi), Dist.- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Sunjan Devi Wife of Late Arjun Rishidev Resident of Village- Chamgarh, Ward No. 7, P.S.- Murliganj, Dist.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uday Chand Prasad, Adv
For the Respondent/s	:	Mr. Uday Chandra Pd.
For the Informant	:	Mr. Barun Kr. Singh, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 20-07-2024 Heard learned counsel for the appellant and learned counsel for the informant as well as 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 16.12.2023 passed by the learned Additional Sessions Judge-1st Cum- Special Judge, Madhepura in connection with Murliganj P.S. Case No. 366/2023 dated 04.09.2023 registered for the offence/s punishable u/s 302, 120B/34 of the Indian Penal Code



and Sections 27 of the Arms Act and 3(2) (v) of the SC/ST Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have come to the shop of the informant and abused the informant's husband by calling his caste name. The villages gathered at the site of the altercation and in the meantime, the appellant *Pandav Yadav* along with his associate opened fire on the informant's husband which hit his chest. Thereafter, the injured was taken to the hospital where he succumbed to his injury during the course of treatment.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. 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. It is further submitted that no member of public was present at the relevant point of time of the incident. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 08.09.2023.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail. It is further submitted that the specific and serious allegation of firing is against the appellant



due to which the husband of the informant died.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the appellant, this court not inclined to set aside the order dated 16.12.2023 passed by learned Additional Sessions Judge 1st Cum- special judge, Madhepura, In Connection With Murliganj P.S. Case 366 of 2023.

7. Accordingly, the appeal stands rejected.

8. The learned trial court is further directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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