

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.988 of 2024**

Arising Out of PS. Case No.-317 Year-2023 Thana- KHODAWANDPUR District- Begusarai

Krishna Kumar @ Krishna Yadav SON OF SHYAM SUNDAR YADAV @ SHYAMDEO YADAV RESIDENT OF VILLAGE- PANSALLA (PANSALA), WARD NO. 8, PS- KHODAWANDPUR, DIST- BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. POONAM DEVI SON OF SURYA SHEKHAR DAS @ SURAJ RESIDENT OF VILLAGE- PANSALLA (PANSALA), WARD NO. 8, PS- KHODAWANDPUR, DIST- BEGUSARAI

... .. Respondent/s

with

**CRIMINAL APPEAL (SJ) No. 1717 of 2024**

Arising Out of PS. Case No.-317 Year-2023 Thana- KHODAWANDPUR District- Begusarai

Rajeeb Kumar @ Rajeeb Yadav @ Rajeev Yadav SON OF RAMASHISH YADAV RESIDENT OF VILLAGE- PANSALLA (PANSALA) WARD NO. 08, PS- KHODWANDPUR, (CHHAURAH OP), DIST- BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. POONAM DEVI SON OF SURYA SHEKHAR DAS @ SURAJ RESIDENT OF VILLAGE- PANSALLA (PANSALA) WARD NO. 08, PS- KHODWANDPUR, DIST- BEGUSARAI

... .. Respondent/s

**Appearance :**

(In CRIMINAL APPEAL (SJ) No. 988 of 2024)

For the Appellant/s : Mr.Sandip Kumar Gautam

For the Resp. No. 2 : Mr. Saroj Kr Sharma

For the Respondent/s : Mr.Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 1717 of 2024)

For the Appellant/s : Mr.Sandip Kumar Gautam

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

8      22-08-2024      Heard learned counsel for the appellants and learned



counsel for the respondent no. 2 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 against the rejection of prayer for bail vide order dated 06.02.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Khodawandpur P.S. Case No. 317 of 2023 dated 20.11.2023 registered for the offence/s punishable u/ss 302, 201, 120B read with section 34 of the Indian Penal Code and sections 3(2) (v) of the SC/ST (POA) Act.

3. As per the prosecution case, the informant's son went with the appellants and the co-accused person but at night he did not return to home, thereafter, on the next day, the dead body of the informant's son was found in the hanging condition on the Bamboo tree.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident



hence no case is made out under section SC/ST Act. There is no specific allegation of taking the informant's son forcibly rather he went with the accused persons of his own will. It is further submitted that there is no eyewitness to the alleged occurrence. The appellants have no criminal antecedent as stated in para 3 of the bail petition. The appellants are in custody since 24.01.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellants.

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 appellants, the impugned order dated 06.02.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Khodawandpur P.S. Case No. 317 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Khodawandpur P.S. Case No. 317 of 2023, with



the condition/s:-

(i) The appellants are 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 appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

guddukr/-

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