

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2263 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- MURLIGANJ District- Madhepura

CHHOTU YADAV SON OF LATE ASHOK YADAV Resident of Rajani, P.S.
- Muraliganj, District - Madhepura

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. RANJU DEVI WIFE OF LATE RAJESH HANSDA Resident of Rajani, P.S.
- Muraliganj, District - Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Patanjali Rishi, Adv.
For the informant	:	Mr. Rajesh Ranjan, Adv.
		Mr. Mohaamad Farooq, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP

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

ORAL ORDER

3 05-07-2024 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 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
21.03.2024 passed by the learned 1st Additional District and
Sessions Judge-cum-Special Judge, SC/ST, Madhepura in
connection with B.P. No. 468 of 2024 arising out of Murliganj
P.S. Case No. 451/2023 dated 24.10.2023 registered for the



offence/s punishable u/ss 302 and 120B read with 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST (PoA) Act.

3. As per the prosecution case, on 23.10.2023 while the informant along with her husband was in the grocery shop, the petitioner and the co-accused persons Hare Ram Poddar, Ashok Das and Vishwajit Kumar @ Pintu Yadav came on two motorcycles which were identified by the informant and they demanded some grocery articles. As soon as her husband started giving grocery to them, they fired on her husband from their pistols due to that he sustained injuries and fell down on the ground. On hulla, the accused persons fled away. The villagers brought her husband to Murliganj Hospital where he died. It is further alleged that in addition to the aforesaid co-accused persons, the co-accused Shekhar Yadav, Rajeev Raja, Om Prakash Das, Pradeep Das, Ranjeet Yadav and Swet Kamal @ Bauaa Yadav were giving threatening to her husband since four years for vacating his land with an intention of grabbing the same otherwise they would kill him like the murder of the deceased's father Babu Lal Marandi, Mangal Tutu and Kapleshwar Das. The informant believed that the aforesaid accused persons conspired to murder her husband.



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. The other co-accused person has been granted bail by this court vide order dated 21.06.2024 passed in Cr. Appeal (SJ) No. 2763 of 2024. The specific allegation of firing and causing death of the informant's husband is against the co-accused, Hare Ram Poddar, Ashok Das, Chhotu Yadav and Vishwajit Kumar @ Pintu Yadav. The appellant has six criminal antecedents out of which two cases of similar nature of offence as stated in para 3 of the bail petition. The appellant is in custody since 31.12.2023.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

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 21.03.2024 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST, Madhepura in connection with B.P. No. 468 of 2024 arising out of Murliganj



P.S. Case No. 451/2023 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 learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Madhepura in connection with B.P. No. 468 of 2024 arising out of Murliganj P.S. Case No. 451/2023, 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.

(ii) If the appellant is found involved in similar nature of offence (Section 302) in future, the prosecution will be at liberty to move for cancellation of his bail bonds.

(Chandra Prakash Singh, J)

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