

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.234 of 2025**

Arising Out of PS. Case No.-477 Year-2023 Thana- MURLIGANJ District- Madhepura

Vidyanand Yadav S/O Late Mangain Yadav Village- Parmanandpur, P.S.-
Murliganj, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Dayanand Rajak S/O Late Domi Rajak Village- Parmanandpur, P.S.-
Murliganj, District- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ravi Ranjan, Adv.
For the Respondent/s	:	Mr. Uday Chand Prasad, Adv.
		Ms. Pooja Prasad, Adv.
		Mr.Sadanand Paswan, Spl.PP

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

ORAL ORDER

4 24-04-2025 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 and learned Special Public
Prosecutor for the State.

3. This is an appeal under Section 14A(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
05.12.2024 passed by the learned Additional District and
Sessions Judge-cum-Special Judge- 1st SC/ST (PoA) Act,
Madhepura in B.P. No. 2705 of 2024 in connection with
Murliganj P.S. Case No. 477/2023 dated 21.11.2023 registered
for the offence/s punishable u/ss 341, 324 and 302 read with 34
of the Indian Penal Code and Sections 3(1)(r)(s) / 3(2)(v) of the



SC/ST Act.

4. As per the prosecution case, the appellant and the co-accused persons holding *lathi*, *dabiya* and iron rod entered the house of the informant and started abusing by calling his caste name and assaulted the informant's wife with *lathi*, iron rod and *dabiya* due to which, she died. When the informant along with his son, daughter and daughter-in-law went to rescue, they also assaulted them, causing injury.

5. 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. There is a land dispute between the parties. As per the 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 under SC/ST Act is made out. The co-accused person has already been granted regular bail by this court vide order dated 26.09.2024 passed in Cr. Appeal (SJ) No. 2922 of 2024. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 21.10.2024.

6. Learned counsel learned Spl. P.P. for the State and



learned counsel for the respondent no. 2 have vehemently opposed the prayer for bail of the appellant.

7. 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 05.12.2024 passed by the learned Additional District and Sessions Judge-cum-Special Judge-1st SC/ST (PoA) Act, Madhepura in connection with Murliganj P.S. Case No. 477/2023, is set aside against the appellant. The criminal appeal is allowed.

8. 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 Additional District and Sessions Judge-cum-Special Judge-1st SC/ST (PoA) Act, Madhepura in connection with Murliganj P.S. Case No. 477/2023.

(Chandra Prakash Singh, J)

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