

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.209 of 2025

Arising Out of PS. Case No.-4 Year-2024 Thana- SC/ST District- Saharsa

Shashi Yadav S/o- Sugandhi Kumar Yadav Village- Gautam Nagar W.No-16,
Ps- Saharsa Dist- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Raju Kumar Das S/o- Shambhu Das Village- Kahra Kutti W.No-11, Ps Dist- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rashmi Jha, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-02-2025 Heard learned counsel for the appellant and learned
Spl. P.P. 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 of the appellant vide order dated 05.12.2024 passed by the learned A.D.J.-I-cum-Special Judge (SC/ST Act), Saharsa in connection with Special Case No. 57/2024 arising out of Saharsa SC/ST Case No. 4/2024 dated 14.02.2024 registered for the alleged offences punishable under Sections 147, 148, 149, 341, 342, 323, 363, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(1)(r)/3(1)(s)/ 3(2)



(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, when the informant along with his two friends Kumod Sah and Bhavesh Yadav went to garage to get the motorcycle repaired, meanwhile 20 persons on 5-6 motorcycles came there and started abusing the informant and his friends. They also assaulted them with lathi, rod, hockey stick etc. Some of them started firing upon the informant and others. The appellant and the co-accused persons took the informant and his two friends on four wheeler and assaulted them brutally. The co-accused, Sanjay Jha fired 8-10 bullets on the informant and his friends but luckily they survived. They also threatened them and also abused them by calling their caste name. Thereafter, the injured were taken to the hospital for treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The specific allegation of firing is against the co-accused, Sanjay Jha rather the allegation against the appellant is general and omnibus. Learned counsel has further submitted that no body has sustained firearm injury. It is further submitted that no member of public was present at the relevant point of time of



the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant has nine criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 26.06.2024.

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 05.12.2024 passed by the learned A.D.J.-I-cum-Special Judge (SC/ST Act), Saharsa in connection with Special Case No. 57/2024 arising out of Saharsa SC/ST Case No. 4/2024, 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 A.D.J.-I-cum-Special Judge (SC/ST Act), Saharsa in connection with Special Case No. 57/2024 arising out of Saharsa SC/ST Case No. 4/2024 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 prosecution will be at liberty to move for cancellation of his bail bond.

(Chandra Prakash Singh, J)

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