

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.284 of 2025

Arising Out of PS. Case No.-79 Year-2024 Thana- SIRARI District- Sheikhpura

DIPAK KUMAR Son of Ravindra Yadav Resident of village - Mahsar, Police
Station - Sirari, District - Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Shiv Shankar Mahto @ Shiv Shanka Mahto Resident of
village - Mahsar, P.S.- Sirari and District - Sheikhpura.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nilendu Kumar Choudhary, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant/s	:	Mr. Rajesh Kumar Pandey, Adv.

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

ORAL ORDER

3 03-04-2025 Heard learned counsel for the appellant, learned
counsel for the informant 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, (hereinafter in short referred to as the SC/ST
Act) against the refusal of prayer of bail *vide* order dated
09.12.2024 in B.P. No. 1317 of 2024 passed by the learned
District & Additional Sessions Judge-1st-cum-Special Judge,
SC/ST Act, Sheikhpura in connection with Sirari P.S. Case No.
79 of 2024 dated 01.11.2024 registered for the offences
punishable under Sections 191(2), 191(3), 190, 109, 103(1) of



B.N.S. and Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(va) of SC/ST (PoA) Act.

3. As per the prosecution case, the informant alleged that on 31.10.2024 at 08.30 PM, her younger son was bursting crackers outside. When she along with her husband went to get him then saw that the appellant and the co-accused persons along with six unknown persons were pelting stone from the roof of the co-accused Ajay Yadav @ Jhapo Yadav, thereafter the appellant and the co-accused Ajay Yadav opened fire by means of weapon, bullet hit her husband on thigh due to which blood started oozing. On halla, people gathered, the bullet also hit on the head of Kiran Devi due to which she became unconscious. The husband of the informant was taken to the hospital where the doctor declared him dead.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per the FIR, no member of the 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 is made out under section SC/ST Act. There is no specific allegation of firing against the appellant rather the specific allegation is against the



co-accused, Ajay Yadav. The charge-sheet has been submitted against the appellant. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 05.11.2024.

5. Learned Spl. P.P. for the State and learned counsel for the informant have vehemently opposed the prayer of bail. Learned counsel for the informant has further submitted that the co-accused, Ajay Yadav fired on the thigh of the informant's husband. It is further submitted that as per the post-mortem report, the cause of death is cardio respiratory failure deep injury to major blood vessel leading to haemorrhage and shock.

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 09.12.2024 in B.P. No. 1317 of 2024 passed by the learned District & Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Sheikhpura in connection with Sirari P.S. Case No. 79 of 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 District & Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Sheikhpura in connection with Sirari P.S. Case No. 79 of 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 bail bonds of the appellant are liable to be cancelled.

8. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

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