

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.354 of 2025

Arising Out of PS. Case No.-46 Year-2024 Thana- SC/ST District- Gaya

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1. Sakin Yadav @ Satyendra Yadav @ Satyendra Kumar son of Girja Yadav Village- English PS -Chandauti District- Gaya
 2. Kamlesh Yadav son of Girja Yadav Village- English PS -Chandauti District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashok Paswan son of Masudan Paswan Village- English PS -Chandauti District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailesh Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 17-04-2025 Heard learned counsel for the appellants 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 17.12.2024 passed by the learned Court of Exclusive Special Judge, SC/ST, Gaya in B.P. No. 4063 of 2024 arising out of SC/ST P.S. Case No. 46 of 2024 dated 09.09.2024 registered for the offence/s punishable u/ss 127(1), 115(2), 303(2), 74, 352, 351(2) read with Section 3(5) of the B.N.S., 2023 and Sections 3(1) (r), 3(1)(s), 3(1)(w), 3(2)(va) of the



SC/ST Act.

3. As per the prosecution case, the informant was returning to his house from his workplace, in the meantime, the appellants and the co-accused persons who were waiting for the informant armed with deadly weapons intercepted the informant and demanded rangdari by abusing caste indicative words. On being protest, the informant was brutally assaulted and snatched Rs. 20,000/- from the possession of the informant. In the meantime, the informant's brother approached there and intervened then he was also assaulted by the appellant no.1 pointing pistol on the temple and the co-caused Girja Yadav ordered to shoot him and the co-accused Shrawan Yadav snatched Rs. 700/- from his pocket and appellant no.2 snatched his cycle and assaulted him while hurling caste based abuses. On hulla, his family members came there then the appellants are alleged to have outraged the modesty of the wife of his brother.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellants. 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 appellants hence no case is made out under



section SC/ST Act. There is no specific allegation of assault against the appellants. The appellants have one criminal antecedent as stated at para 3 of the bail petition. The appellants are in custody since 06.12.2024.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail.

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 17.12.2024 passed by the learned Court of Exclusive Special Judge, SC/ST, Gaya in B.P. No. 4063 of 2024 arising out of SC/ST P.S. Case No. 46 of 2024 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 Court of learned Exclusive Special Judge, SC/ST, Gaya in B.P. No. 4063 of 2024 arising out of SC/ST P.S. Case No. 46 of 2024.

(Chandra Prakash Singh, J)

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