

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.342 of 2025

Arising Out of PS. Case No.-9 Year-2024 Thana- PANCHRUKHI District- Siwan

Ajit Yadav S/O Megha Yadav @ Krishna Chaudhri Resident of Village -
Papaur Tola Nawada, P.S. - Pachrukhi Sarai (O.P.) District - Siwan

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bijay Prakash Singh
For the Resp No. 2	:	Mr. Jaishankar Kr. Yadav
For the Respondent/s	:	Mr.Binay Krishna

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

ORAL ORDER

2 03-04-2025 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. 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 21.12.2024 passed by the learned court of 1st Addl. Sessions Court-cum-Special Judge, SC/ST Act, Siwan in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 09/2024 dated 11.01.2024 registered for the offence/s punishable u/s 302 read with section 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s) / 3(2)(va) of the SC/ST Act.



3. As per the prosecution case, the informant alleged that her husband along with two friends went to Paswan Tola where after some arguments between the parties, information came about the firing. Upon reaching there, it was found that the appellant and the co-accused persons after giving caste name abused them and later allegation is that Shailendra Yadav and Osihar Yadav opened fire causing injury to her husband and friend which proved fatal. This led to the F.I.R.

4. Learned counsel for the appellnat has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. There is general and omnibus allegation against the appellant. The specific allegation of firing is against the co-accused persons, Shailendra Yadav and Osihar Yadav. 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 co-accused persons have been granted bail by this Court vide order dated 27.03.2025 passed in Cr. Appeal (SJ) No. 3185 of 2024. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 12.12.2024.

5. Learned counsel for the informant as well as



learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition 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 21.12.2024 passed by the learned court of 1st Addl. Sessions Court-cum-Special Judge, SC/ST Act, Siwan in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 09/2024, 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 court of 1st Addl. Sessions Court-cum-Special Judge, SC/ST Act, Siwan in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 09/2024.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

