

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.405 of 2025

Arising Out of PS. Case No.-391 Year-2014 Thana- FATEHPUR District- Gaya

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Anuj Kumar @ Shiv Shankar Prasad @ Shiv Shankar Kumar son of Late Jaglal Yadav Resident of village -Paharpur Tola Ganeshdih PS -Fatehpur District -Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Payari Devi Wife of Butali Manjhi Resident of village -Paharpur PS -Fatehpur District -Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma, Adv.
For the Respondent/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 24-04-2025 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 14(A)(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 16.12.2024 passed by the learned Court of Exclusive Special Judge, SC/ST, Gaya in B.P. Trial No. 547/2019 arising out of Fatehpur P.S. Case No. 391/2014 dated 16.12.2014 registered for the offence/s punishable u/s 302, 301 read with Section 34 of



the Indian Penal Code and Section 3(ii)(v) of the SC/ST Act.

3. As per the prosecution case, the appellant and the co-accused persons along with some unknown persons are alleged to have committed murder of the informant's mother-in-law and father-in-law due to previous dispute and thrown the dead bodies in Samda Ahar.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The name of the appellant has transpired in this case on mere suspicion. There is no eye-witness to the alleged occurrence. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellants has no concern with the alleged offence. The appellant is in custody since 02.12.2024 and after provisional bail was granted to the appellant vide order dated 28.02.2025 passed in Cr. APP(SJ) No. 405 of 2025 he himself surrendered on 21.03.2025 before the concerned court below within a stipulated period after marriage of his daughter and the surrender certificate is annexed as Annexure-B with the supplementary affidavit filed on behalf of the appellant which is kept on record. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The



co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 17.03.2015 passed in Cr. Misc. No. 10637 of 2015.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the informant have 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 appellant, the impugned order dated 16.12.2024 passed by the learned Court of Exclusive Special Judge, SC/ST, Gaya in B.P. Trial No. 547/2019 arising out of Fatehpur P.S. Case No. 391/2014 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 Exclusive Special Judge, SC/ST, Gaya in B.P. Trial No. 547/2019 arising out of Fatehpur P.S. Case No. 391/2014, 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.

(Chandra Prakash Singh, J)

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