

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.569 of 2025

Arising Out of PS. Case No.-45 Year-2024 Thana- AMARPUR District- Banka

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1. Pankaj Yadav Son of Bishnudeo Yadav Resident of Village - Manjhgay, P.S. - Shambhuganj, District - Banka
 2. Mani Yadav @ Manoj Yadav @ Maniya Son of Bishnudeo Yadav Resident of Village - Manjhgay, P.S. - Shambhuganj, District - Banka

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sabo Devi Wife of Late Baleshwar Das Resident of Village - Manma, P.S. - Amarpur, District - Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 31-07-2025 Heard learned counsel for the appellants and learned Spl. P.P. for the State. However, notice has been validly served to the respondent no. 2 but none appeared on behalf of the respondent no. 2.

2. Learned counsel for the appellants have filed supplementary affidavit on behalf of the appellants during course of the day.

3. 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 appellants vide order dated 06.01.2025 passed by the learned



Additional Sessions Judge-I-cum-Special Judge SC/ST(PoA Act), Banka in connection with Amarpur P.S. Case No. 45 of 2024 dated 18.01.2024 registered for the alleged offences punishable under Sections 307, 302 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per prosecution case, on 18.01.2024, the informant heard the noise of firing, she along with her son went towards pond and they saw that the appellants and the co-accused persons having country made pistol were going towards Manjhgaon village and when the informant reached near the field then she saw the dead body of her husband namely Baleshwar Das was lying and there was bullet injury on his head. One another person namely, Vikash Das also received bullet injury on his shoulder. Thereafter, the injured was taken to the hospital. It is further alleged that the accused persons named in the F.I.R. have killed the informant's husband.

5. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. There is no allegation of caste based abusing against the appellants and hence, no offence under provisions of SC/ST Act



is made out against the appellants. There is no eye witness to the alleged occurrence. During course of investigation, the injured witness namely, Vikash Das did not identify the accused persons as stated in para 10 of the bail petition. It is further submitted that the appellants have no concern with the alleged offence. The appellant no. 1 has six criminal antecedents in which he is on bail in four cases and he is acquitted in one case as stated in para 3 of the bail petition and as stated in para 2 of supplementary affidavit filed on behalf of the appellants. The appellant no. 2 has two criminal antecedents as stated in para 3 of the bail petition. The appellant no. 1 is in custody since 13.11.2024 whereas the appellant no. 2 is in custody since 22.11.2024.

6. Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellants and submitted that as per impugned order, the witnesses in para 6, 8, 9 and 19 of the case diary have supported the prosecution case. As per the post-mortem report of the deceased, the cause of death is Neurogenic shock due to gunshot injury.

7. 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



06.01.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge SC/ST(PoA Act), Banka in connection with Amarpur P.S. Case No. 45 of 2024, is set aside against the appellants. The criminal appeal is allowed.

8. 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 learned Additional Sessions Judge-I-cum-Special Judge SC/ST(PoA Act), Banka in connection with Amarpur P.S. Case No. 45 of 2024 with the condition :-

(i) The appellants are 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 their bail bonds.

(Chandra Prakash Singh, J)

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