

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.650 of 2025**

Arising Out of PS. Case No.-146 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Subhash Chandra Yadav @ Subhash Yadav @ Subhash Chandra S/O Deep
Narayan Yadav R/vill - Shadipur, P.S - Pirpanti, Distt.- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi W/O Late Govind Ravidas R/O Village- Shadipur, P.S Pirpanti,
Dist.- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Subodh Prasad, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 26-09-2025 Despite valid service of notice, none appears on
behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and learned
Spl. Public Prosecutor for the State.

3. This criminal appeal has been filed against the
order dated 10.12.2024 passed by learned District & Additional
Sessions Judge-III-cum-Special Judge (SC & ST), Bhagalpur in
connection with Pirpanti P.S. Case No. 146 of 2021 / Special
SC/ST Case No. 183 of 2023, instituted under Sections 147,
149, 341, 323, 324, 302 of the Indian Penal Code and Sections
3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, whereby the prayer for regular
bail of appellant has been rejected.



4. Prosecution case, in brief, is that informant's husband used to guard mango orchard. On 08.05.2021, informant came to know that all the F.I.R. named accused persons, including this appellant, assaulted her husband. When she reached there, she found that her husband was unconscious. It is further alleged that informant took her husband to hospital and after recovery, she brought her husband back to home. At home, one quack treated him but his condition started deteriorating and later on, he died.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. F.I.R. has been lodged after inordinate delay of 50 days which itself raises doubt over veracity of the prosecution case. Allegation of assault is general and omnibus and there is no specific accusation of overt act against the appellant. As per postmortem report, the deceased died due to septicemia toxemia and shock. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant. It is further submitted that similarly situated co-accused, namely, Chhotu Yadav has already been



granted bail by co-ordinate Bench of this Hon’ble Court *vide* order dated 14.05.2024 passed in Cr. Appeal (SJ) No. 1672 of 2024. Appellant is in custody since 04.08.2024.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the nature of accusation and period of custody, this Court sets aside the impugned order and directs the release of above named appellant on bail on furnishing bail-bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-III-cum-Special Judge (SC & ST), Bhagalpur in connection with Pirpainti P.S. Case No. 146 of 2021 / Special SC/ST Case No. 183 of 2023.

(Prabhat Kumar Singh, J)

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