

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.625 of 2025**

Arising Out of PS. Case No.-366 Year-2023 Thana- MURLIGANJ District- Madhepura

Wakil Rishidev S/o Late Raghuni Rishidev R/o Village- Chamgrah
(Chamgarh), PS- Murliganj, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Gunjan Devi W/o Late Arjun Rishidev R/o vill - Chamgarh, ward no. 7, P.s.-
Murliganj, Distt.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailendra Kumar Singh, Adv Mr. Kumari Rashmi, Adv
For the Respondent/s	:	Mr. Sadanand Paswan, Sp.P.P

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

ORAL ORDER

5 07-08-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State, however, learned

counsel for the respondent no. 2 is not present despite notice

being validly served upon respondent no. 2.

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
28.01.2025 passed by the learned A.D.J. 1st-cum-Special Judge,
Madhepura in connection with Murliganj P.S. Case No.
366/2023 dated 04.09.2023 registered for the offence/s
punishable u/s 302, 120B read with section 34 of the Indian



Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the appellants and the co-accused persons are alleged to have come to the shop of the informant and abused the informant's husband by calling his caste name. The villagers gathered at the site of altercation and in the meantime, the appellant, Wakil Yadav exhorted to gun down the informant's husband upon which, the co-accused, Pandav Kumar Yadav along with his associate opened fire on the informant's husband which hit his chest. Thereafter, the injured was taken to the hospital where he succumbed to his injury in the course of treatment.

4. Learned counsel for the appellant 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. The specific allegation is against the co-accused, Pandav Kumar Yadav. The appellant is only a order giver. The other co-accused persons have been granted bail by this court vide order dated 02.05.2024 passed in Cr. Appeal (SJ) No. 1315 of 2024. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. The



appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 11.12.2024.

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 appellant, the impugned order dated 28.01.2025 passed by the learned A.D.J. 1st-cum-Special Judge, Madhepura in connection with Murliganj P.S. Case No. 366/2023 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 A.D.J. 1st-cum-Special Judge, Madhepura in connection with Murliganj P.S. Case No. 366/2023.

(Chandra Prakash Singh, J)

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