

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.662 of 2025

Arising Out of PS. Case No.-445 Year-2024 Thana- CHANDAUTI District- Gaya

1. Shailesh Kumar @ Shailesh Yadav S/o Krishna Yadav R/o Vill- Deguna, PS - Chandauti, District- Gaya

2. Kail Yadav S/o Late Lorik Yadav R/o Vill- Deguna, PS - Chandauti, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar

2. Seema Kumari W/o Mithilesh Paswan R/o vill - Deguna, P.S.- Chandauti, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar, Adv.
For the Respondent/s	:	Ms. Sandhya Kumari Sinha, Adv.
		Mr. Sanjay Kumar Sharma, Adv.
For the State	:	Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 26-06-2025 Heard learned counsel for the appellants and learned Spl. P.P. 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 against the rejection of prayer for bail of the appellants vide order dated 24.11.2024 by the learned Special Judge (SC/ST Act), Gaya in B.P. No. 3924/2024 in connection with Chandauti P.S. Case No. 445 of 2024 dated 24.11.2024 registered for the alleged offences punishable under Sections 190, 191(2), 115(2), 126(2), 74, 127(2), 109,



351(2), 352, 303(2) of the B.N.S. and Sections 3(1)(s) and 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 23.11.2024 at about 8.00 P.M., when the informant and his family members were celebrating birthday, in the meantime, the accused persons namely, Dalkeshwar Yadav, Krishna Yadav, Sailesh Kumar (appellant no. 1), Jamuna Yadav, Bindu Kumar, Bablu Kumar, Rakesh Yadav, Bilendra Yadav and Jitendra Yadav came to the house of the informant and started abusing by calling his caste name. When the informant's husband objected the same, all the accused persons started assaulting her husband and forcibly entered her house and also brutally assaulted her mother-in-law Malthi Devi, Rinki Kumari, Murari Paswan, Munni Devi, Subodh Paswan and Pintu Kumar causing serious injury to them. The accused persons tore the saree of the informant's mother-in-law, Malti Devi and snatched her gold ear-tops. They also threatened them of dire consequences.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. There is a case and counter case between the



parties. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellants. It is further submitted that there is no specific allegation against the appellants. There is general and omnibus allegation against the appellants. As per the injury report of the injured, the injuries are simple in nature. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellants is in custody since 25.11.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellants.

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 appellants, the impugned order dated 24.11.2024 by the learned Special Judge (SC/ST Act), Gaya in B.P. No. 3924/2024 in connection with Chandauti P.S. Case No. 445 of 2024, is set aside against the appellants. The criminal appeal is allowed.

7. 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 Special Judge (SC/ST Act), Gaya in B.P. No. 3924/2024 in connection with Chandauti P.S. Case No. 445 of 2024.

(Chandra Prakash Singh, J)

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