

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.866 of 2025

Arising Out of PS. Case No.-180 Year-2024 Thana- BUXAR District- Buxar

Atal Yadav @ Satish Yadav, Male, aged about 35 years, Son of Late Satya Narain Yadav @ Satyanarayan Yadav @ Satya Narayan Yadav, Resident of Village- Sohnipatti (Sohani Patti), PS-Buxar Town, District- Buxar.

... .. Appellant

Versus

1. The State of Bihar
2. Rina Devi, W/o Late Shashibhushan Ram, Resident of Joga Mushib, PS-Karimuddinpur, District-Gazipur, Uttar Pradesh, at present residing at Shanti Nagar Bus Stand, P.S- Buxar Town, Dist- Buxar, Bihar

... .. Respondents

Appearance :

For the Appellant	:	M/S. Amarjeet, Madhukar Anand and Shubham Kumar Singh, Advocates
For the Respondent No.2:		Mr. Arun Kumar Gupta, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 08-05-2025 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 and 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 21.12.2024, passed by the learned Additional Sessions Judge-I-Cum-Special Judge, (SC/ST Act), Buxar, in connection with SC/ST Case No. 50/2024, arising out of Buxar Town P.S. Case



No. 180 of 2024 dated 27.03.2024 registered for the offences punishable under Section 302 read with Section 34 of the I.P.C., Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST Act whereby the learned court below has been pleased to reject the prayer for bail of the appellant.

3. As per the prosecution case, on 26.03.2024 at 10.00 P.M., due to non-fulfilment of demand of ransom, on the eve of Holi, Shashi Yadav, Atal Yadav (appellant) and Bismillah Khan took the informant's husband, namely, Shashi Bhushan, from his house for a party and thereafter they committed his murder. It is further alleged that in the said party, the other co-accused persons, namely, Pradeep Rajbhar, Ranjan Chauhan, Birendra Ram, Manoj Lathur, Lallu Kamkar, Sanjay Rawat, Priyanka Devi and Shree Bhagwan Ram were also involved. It is further alleged that the informant started searching for her husband and in course of search, through the women of the village who were going for call of nature, the informant came to know that the dead body of some one was lying under the Railway Line Over Bridge. When the informant went to the spot, she saw the dead body of her husband.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to



ulterior motive. It is further submitted that it is a case of last seen. The charge sheet has been submitted in the present case against the appellant. It is further submitted that the tower location of the appellant and other co-accused persons has not been found at the place of occurrence. It is further submitted that as per the informant, the relationship between the appellant and the deceased was not good as to why the deceased had gone with the appellant in the said party which was organized on the eve of Holi. There is general and omnibus allegation against the appellant and other co-accused persons. No member of public was present at the relevant point time of the alleged incident. Hence, no offence under SC/ST Act is made out against the appellant. It is further submitted that the other co-accused person, namely, Pradeep Rajbhar has already been granted bail by a Bench of this Court Cr. Appeal (SJ) No. 4594 of 2024 under order dated 17.04.2025. The appellant has two criminal antecedents and in one case he is on bail as stated at para 3 of the bail petition. The appellant is in custody since 20.11.2024.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have vehemently opposed the prayer of bail of the appellant. Learned counsel for the respondent no. 2 has further submitted that the appellant and other co-accused



persons took the informant's husband in a party on the eve of Holi and committed his murder. It is further submitted that the several witnesses have also supported the allegation made in the F.I.R. It is further submitted that in paragraph no. 44 of the case diary, it has been mentioned that the cause of death is haemorrhage and shock due to firearm injury and the time since death: between 6 to 24 hours.

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 respondent no. 2, this Court is not inclined to set aside the order dated 21.12.2024, passed by the learned Additional Sessions Judge-I-cum-Special Judge (SC & ST Act), Buxar, in connection with SC/ST Case No. 50 of 2024, arising out of Buxar Town P.S. Case No. 180 of 2024 and the same is rejected.

7. Accordingly, the present criminal appeal stands rejected.

8. The learned court below is directed to expedite the trial of the appellant and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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