

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.893 of 2025

Arising Out of PS. Case No.-112 Year-2024 Thana- Mufassil District- Khagaria

=====

Ajit Yadav S/o- Kailash Yadav Village- Po- Amni Ps- Mansi Dist- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamta Devi @ Mamta Kumari W/o- Late Rohit Ram Village- Po- Amni Ps- Mansi Dist- Khagaria

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Diwakar Prasad Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

=====

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 26-06-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 08-01-2025 passed by learned Additional Sessions Judge-I-cum-Special Judge (SC/ST), Khagaria whereby the prayer for bail of the appellant in connection with Mufassil PS Case No. 112 of 2024 under Sections 191(2), 191(3), 190 & 103(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2v) of SC/ST Act was rejected.

3. The prosecution case, in brief, is that on 22.08.2024 at about 02:00 PM, the informant Mamta Kumari



received information that Sanjiv Ram was being attacked by several accused including Ajit Yadav (appellant), all armed with firearms. When her husband and others went to intervene, the accused persons, including Ajit Yadav, allegedly abused them using caste-based slurs and collectively participated in the assault.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant submits that there is no allegation of firing against the appellant, rather the specific allegation of firing is against co-accused, Chhabila Yadav. Appellant was allegedly member of unlawful assembly. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 28-10-2024 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that postmortem report corroborates



the allegation levelled in the FIR as the cause of death is hemorrhage and shock.

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation of firing against the appellant and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 08-01-2025 passed by learned Additional Sessions Judge-I-cum-Special Judge (SC/ST), Khagaria is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with in connection with Mufassil PS Case No. 112 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

