

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.956 of 2025

Arising Out of PS. Case No.-100 Year-2024 Thana- SAHJAHANPUR District- Patna

Ashok Yadav @ Ashok Gop Son of Late Saryu Yadav Resident of Village -
Ghoshi @ Lohda, P.S. - Hilsa, District - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Seema Devi Wife of Upendra Manjhi Resident of Village - Arai Musahri,
Ward No.15, P.S. - Shahjahapur, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Tej Narayan Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 03-07-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 20.01.2025 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna whereby the prayer for bail of the appellant in connection with Special Case No. 456 of 2024 arising out of Sahjahanpur P.S. Case No. 100 of 2024 under Sections 303(2), 103(1), 105, 3(5) of BNS and Section 27 of the Arms Act and Section 3(2)(v) of SC/ST Act was rejected.

3. As per FIR, 4-5 unknown thieves stole two goats and shot informant's husband during the chase, as a result of



which he died. It is further alleged that informant's nephew died of shock upon seeing his uncle dead.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. appellant is not named in the F.I.R. The name of the appellant has transpired on the basis of confessional statement of co-accused Paras Paswan. Learned counsel further submits that as per paragraph no. 33 of the case diary, the co-accused Paras Paswan in his confessional statement has specifically stated that it was co-accused Akhilesh Yadav who fired upon the deceased and due to which he died, further, this appellant also, in his confessional statement, has stated that co-accused Akhilesh Yadav fired upon the deceased. 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 04.09.2024 and has one criminal antecedent.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances



of the case and there being no specific accusation of firing against the present appellant and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 20.01.2025 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Special Case No. 456 of 2024 arising out of Sahjahanpur P.S. Case No. 100 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, 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 Special Case No. 456 of 2024 arising out of Sahjahanpur P.S. Case No. 100 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(III) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

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