

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1137 of 2025**

Arising Out of PS. Case No.-34 Year-2023 Thana- AMBA District- Aurangabad

Bikash Yadav @ Vikash Yadav S/O Late Pramod Yadav Resident of Village -
Joda, P.S- Amba, Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Virendra Bhuiyan S/O Late Lalu Bhuiyan Resident of Village - Joda, P.S-
Amba, Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Singh, Adv.
For the Respondent/s	:	Mr. Parmeshwar Vishwakarma, Adv.
For the State	:	Mr.Sadanand Paswan, APP

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

ORAL ORDER

5 18-09-2025 Heard learned counsel for the appellant, learned
counsel for the informant 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 of bail of the appellant vide order dated 27.02.2025 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge SC/ST, Aurangabad in Regular Bail Application No. 225 of 2025 arising out of Amba P.S. Case No. 34 of 2023 dated 06.02.2023 registered for the alleged offences punishable under Sections 341, 323, 307, 504, 506 of the Indian Penal Code and subsequently, Section 302 of the I.P.C. was added and Sections 3(1)(r)(s)/ 3(2)(v) of the Scheduled



Castes and Scheduled Tribes Act.

3. As per the prosecution case, while the informant's mother was in her mustard field, the appellant's buffalo entered the field. When the informant's mother opposed, the appellant abused her with caste name and threw her down and assaulted badly with stone due to which she sustained sever head injuries and she was taken to the hospital where her treatment is going on but her health condition is serious.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case due to land dispute. There is a delay of three days in lodging the F.I.R. The informant's mother was an old lady aged about 90 years. 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 appellant. Learned counsel has further submitted that out of 8 charge-sheeted witnesses, 2 witnesses have been examined. The charges were framed against the appellant on 07.07.2023. It is further submitted that the appellant has no concern with the alleged offence. The appellant is in custody since 09.02.2023. The appellant has no criminal antecedent as stated in para 3 of the bail petition.

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 appellant and submitted that the bail application of the appellant was earlier rejected by the Coordinate Bench of this court vide order dated 30.11.2023 passed in Cr. Appeal (SJ) No. 3480/2023. Learned counsel has further submitted that there is specific allegation against the appellant who assaulted the informant's mother due to which she succumbed to the said injuries. The post-mortem report also corroborates the prosecution version of the case.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 22.07.2025 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge SC/ST, Aurangabad in Regular Bail Application No. 225 of 2025 arising out of Amba P.S. Case No. 34 of 2023 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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