

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1239 of 2025

Arising Out of PS. Case No.-171 Year-2024 Thana- YADOPUR District- Gopalganj

Ghanshyam Yadav S/O Gautam Yadav @ Jitendra Yadav R/O Village-
Baraipatti, P.S.- Yadopur, District- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Akash Kumar S/O Jan Bahadur Singh R/O Village- Jadopur, P.S.- Jadopur,
District- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ansul, Sr. Adv. Mr. Vyas Kumar Mishra, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P
For the Informant/s	:	Mr. Manoj Kumar, Adv.

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

ORAL ORDER

4 26-06-2025 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 for bail of the appellant vide order dated 13.02.2025 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge (SC/ST Act), Gopalganj in connection with Jadopur P.S. Case No. 171 of 2024 dated 26.10.2024 registered for the alleged offences punishable under Sections 126(2), 115, 118(2), 109 read with Section 3(5) of the B.N.S and later on Section 103(1)



of the B.N.S. and Sections 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act were added.

3. As per the prosecution case, when the informant along with Chhathu Kumar and Bittu Kumar were coming on motorcycle then the appellant and the co-accused persons in pursuance of conspiracy with each other started chasing them and at a lonely place, they stopped the informant's motorcycle and the co-accused, Raushan Kumar started demanding the key of motorcycle and mobile from Bittu Kumar on the point of pistol. When the informant and the other made protest of it then the co-accused, Sonu Yadav and Manoj Yadav inflicted knife blow on the informant and his friend, Chhatu Kumar with the intention to kill them due to which the informant sustained injury on his waist and his friends sustained injury on his hip. The appellant and the co-accused, Govind Kumar with the intention to kill Bittu Kumar inflicted knife blow on his chest and stomach causing serious injury to him. Thereafter, the injured, Bittu Kumar was taken to the hospital for treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that during course of treatment,



Bittu Kumar died and subsequently following sections were added i.e. Section 103(1) of the B.N.S. and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST (PoA) Act. It is further submitted that there is no specific allegation of abusing against the appellant and hence, no offence under provisions of SC/ST Act is made out against the appellant. Learned counsel has further submitted that from para nos. 8, 9 and 10 of the case diary, it is found that the specific allegation is against the co-accused, Roushan Kumar who assaulted Bittu Kumar with knife on his chest and waist causing serious injuries to him. The other co-accused, Sonu Yadav and Manoj Yadav also assaulted Chhatu Kumar with knife due to which he sustained injury. The appellant has no concern with the alleged offence. As per the post-mortem report of the deceased, the cause of death was due to shock caused by sharp cutting object. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 20.11.2024. The co-accused person has already been granted regular bail by this Court vide order dated 19.06.2025 passed in Cr. Appeal (S.J.) No. 1128 of 2025.

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



appellant and the co-accused persons stabbed Bittu Kumar with knife due to which he died during the course of treatment.

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 appellant, the impugned order dated 13.02.2025 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge (SC/ST Act), Gopalganj in connection with Jadopur P.S. Case No. 171 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge (SC/ST Act), Gopalganj in connection with Jadopur P.S. Case No. 171 of 2024.

(Chandra Prakash Singh, J)

shivam/-

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

