

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1229 of 2025**

Arising Out of PS. Case No.-113 Year-2019 Thana- SALAKHUA District- Saharsa

Dinesh Yadav S/o- Surya Narayan Yadav R/o - Parasbanni Dhobiya Tola,
Ward No.11, P.S - Salakhua, Banma Itahari O.P, District - Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Opisar Paswan S/o- Bishun Deo Paswan Village- Parasbanni Dhobihya Tola
W.No-11, Ps- Salakhua Dist- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Santosh Kumar Verma
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

5 31-07-2025 Heard learned counsel for the appellant 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 20.12.2024 passed by the learned Additional Sessions Judge- 1st-cum-Special Judge SC/ST Act, Saharsa in connection with Salakhua P.S. Case No. 113 of 2019 dated 13.05.2019 registered for the offence/s punishable u/ss 147, 148, 149, 307, 326, 302 120B of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v)(a) of SC/ST Act..



3. As per the prosecution case, it is alleged that, when the informant along with his two brothers were sleeping in their bungalow, in the meantime, the appellant and co-accused persons along with some unknown persons came with indiscriminate firing due to which Rikesh Yadav died.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is land dispute between the parties. There is general and omnibus allegation against the appellant. It is further submitted that there is no specific allegation against the appellant rather the specific allegation of firing is against the co-accused, Ganesh Yadav. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has three criminal antecedents in which he is on bail in all cases as stated at para 3 of the bail petition. The appellant is in custody since 18.01.2020.

5. Learned Spl.P.P. for the State has vehemently opposed the prayer of bail and submitted that total eight witnesses have been examined and all the witnesses have supported the prosecution case. As per para-44 of the case diary, the witness, Sushmita Kumari has also supported the



prosecution case. It is further submitted that as per the post-mortem report, the cause of death is due to haemorrhage and shock caused by firearm injuries, which is mentioned in the para-52 of the case diary. Earlier the regular bail of the appellant has been rejected by the Co-ordinate Bench of the this Court vide order dated 28.10.2021 passed in Cr. Appeal (S.J.) No. 2809 of 2021.

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 20.12.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge SC/ST Act, Saharsa in connection with Salakhua P.S. Case No. 113 of 2019 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-1st-cum-Special Judge SC/ST Act, Saharsa in connection with Salakhua P.S. Case No. 113 of 2019, with the following conditions:-

(i) The appellant is directed to remain physically



present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(ii) The appellant is directed to co-operate in the trial before the learned court below.

(Chandra Prakash Singh, J)

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