

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1380 of 2025

Arising Out of PS. Case No.-110 Year-2024 Thana- KHAJAJULI District- Madhubani

Manish Yadav @ Manish Kumar yadav S/o- Suman Yadav @ Soman Yadav
@ Sobhan Yadav Village- Sukki Ps- Khajauli Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Jibachh Saday S/o- Late Chhotkan Saday Village- Sukki Ps- Khajauli Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Prakash, Adv. Mr. Gagandeo Yadav, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

6 03-11-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. Notice issued is validly served despite which no one turned on the informant's behalf. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 28.02.2025 passed by 1st Additional Judge-cum-Special Judge SC/ST Act, Madhubani, whereby the prayer for bail of the appellant in connection with Khajauli P.S. Case No. 110 of 2024 instituted under Sections 302, 201 & 34 of the IPC and Sections 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on 30-05-2024, father of the informant slept outside the house and, in the morning, he was found dead, hanging on a rod of pillar. As per



F.I.R., the co-accused persons including the appellant are involved in the alleged occurrence.

4 Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. He further submits that there is delay of one day in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. It is submitted that there is no eye witness to the occurrence. Postmortem report reveals cause of death is asphyxia due to hanging. It is submitted that father of the informant has committed suicide due to family dispute as is evident from the postmortem report. There is no eye-witness to the alleged occurrence. Charge-sheet has been submitted in this case under Sections 341, 323, 306, 498, 504, 506 & 34 of the I.P.C. and Sections 3(1)(r)(s), 3(2)(v)(va) of the SC/ST Act. 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 07.02.2024 and has no criminal antecedent. Learned counsel for the appellant further submits that the co-



accused Ramdeo Yadav has already been granted bail by this Court vide order dated 05.12.2024 passed in Cr. Appeal (SJ) No. 3722 of 2024.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant. It is submitted that allegation against the appellant is serious in nature.

6. Considering the aforesaid facts and circumstances of the case, there being no cogent material against the appellant even in the case diary 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 28.02.2025 (G.R. No. 72 of 2024) passed by 1st Additional Judge-cum-Special Judge SC/ST Act, Madhubani is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khajauli P.S. Case No. 110 of 2024.

(Rudra Prakash Mishra, J)

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