

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1461 of 2025**

Arising Out of PS. Case No.-9 Year-2024 Thana- PANCHRUKHI District- Siwan

Oshiyar Yadav @ Osihar Yadav Son of Rajendra Yadav Resident of Village - Mahpur, P.S. - Sarai (O.P.), District - Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Gunja Devi Wife of Late Rohit Kuar @ Dharmendra Bansfor village- Tarwara More, Bijli Office, Hanuman Mandir, ps- Sarai, Op, Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Prakash Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-06-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(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 31.05.2025 passed by the learned court of 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Siwan in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 09/2024 dated 11.01.2024 registered for the offence/s punishable u/s 302 read with section 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s) / 3(2)(va) of the SC/ST Act.



3. As per the prosecution case, the informant alleged that her husband along with two friends went to Paswan Tola where after some arguments between the parties, information came about the firing. Upon reaching there, it was found that the appellant and the co-accused persons after giving caste name abused them and later allegation is that the appellant and the co-accused Shailendra Yadav opened fire causing injury to her husband and friend which proved fatal. This led to the F.I.R.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. There is general and omnibus allegation against the appellant. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 26.10.2024.

5. Learned Spl.P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that the specific allegation of firing is against the appellant and the co-accused, Shailendra Yadav. The regular bail application of the



co-accused, Shailendra Yadav @ Bhuar has been rejected by a Co-ordinate Bench of this Court vide order dated 05.12.2024 passed in Cr. Appeal (S.J.) No. 2838 of 2024.

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 31.05.2025 passed by the learned court of 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Siwan in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 09/2024 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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