

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2221 of 2025

Arising Out of PS. Case No.-543 Year-2024 Thana- RAJAOLI District- Nawada

Mukesh Yadav S/o Saryu Yadav @ Suraju Yadav R/o Vill - Gagan Bujurg, P.S
- Rajauli, Dist - Nawada

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Vinod Chaudhary S/o Arjun Chaudhary R/o Vill - Murhena, P.S - Rajauli,
Dist - Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Birendra Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant/s	:	Mr. Vipin Kumar, Adv.
		Mr. Ravi Kant, Adv.
		Ms. Sarita Kumari, Adv.
		Mr. Rabish Kumar, Adv.
		Mr. Adarsh Gaurav, Adv.

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

ORAL ORDER

4 04-09-2025 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 11.04.2025 passed by the learned
Exclusive Special Court, SC/ST (PoA)Act, Nawada in
connection with Rajauli P.S. Case No. 543 of 2024 dated
17.11.2024 registered for the alleged offences punishable under
Sections 191(2), 191(3), 190 and 103(1) of the Bhartiya Nyaya



Sanhita and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (PoA) Act.

3. As per the prosecution case, the appellant and the co-accused persons along with 2-3 unknown persons armed with deadly weapons came in the field of the informant where the informant and her wife were doing paddy threshing. They abused them by calling their caste name and also threatened to kill them. On being objected by the informant, the co-accused Uma Yadav assaulted the informant's wife with iron's falza due to which his wife sustained injury on her leg and she fell down there. Thereafter, the informant and his daughter-in-law started shouting and fled away from there to save their life and after crossing the Khuri River the informant saw that the co-accused, Uma Yadav with falza, Kishun Yadav with gadasa, Mukesh Kumar (appellant) with knife and other persons with sharp weapon were assaulting his wife and his wife was shouting in pain. On hulla, the villagers who were working near by fields came there and after seeing the local people, the accused persons fled away from the place of occurrence. Thereafter, the informant's wife was taken to the hospital and during the course of treatment, she died.

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 no specific allegation against the appellant rather the allegation against the appellant is general and omnibus in nature. 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. The appellant has no concern with the alleged offence. The appellant is in custody since 16.02.2025. The appellant has three criminal antecedent as stated in para 3 of the bail petition. The co-accused person has already been granted regular bail by this Court vide order dated 27.02.2025 passed in Cr. APP.(S.J.) No. 316 of 2025.

5. Learned Special Public Prosecutor for the State and learned counsel for the informant have opposed the prayer for bail of the appellant.

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 11.04.2025 passed by the learned Exclusive Special Court, SC/ST (PoA)Act, Nawada in connection with Rajauli P.S. Case No. 543 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 Exclusive Special Court, SC/ST (PoA)Act, Nawada in connection with Rajauli P.S. Case No. 543 of 2024, with a condition:-

(i) The petitioner 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 petitioner are liable to be cancelled.

(Chandra Prakash Singh, J)

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