

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1675 of 2025

Arising Out of PS. Case No.-297 Year-2024 Thana- LAURIA District- West Champaran

Sikandar Yadav @ Sikendar Yadav Son of Amardev Yadav Resident of
Village - Parari, Police Station - Lauriya, District - West Champaran

... .. Appellant

Versus

1. The State of Bihar
2. Krishna Mahto Son of Late Vinod Dhangar Resident of Village - Parsha,
Dhangar Toli, Police Station - Lauriya, District - West Champaran

... .. Respondents

Appearance :

For the Appellant	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Sarvesh Kashyap, Adv. Mr. Deepak Kumar, Adv. Ms. Kumari Aakansha Rai, Adv.
For the Respondent/s	:	Mr. Binay Krishna, APP

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

ORAL ORDER

4 11-09-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as 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 against the rejection of prayer for bail vide
order dated 14.11.2024 passed by the learned A.D.J. - 1st cum
Special Judge, SC/ST (POA) Act, Bettiah, West Champaran in
B.P. No. 3094 of 2024 arising out of Lauriya P.S. Case No. 297
of 2024 dated 01.09.2024 registered for the offences punishable
under Sections 103(1) read with Section 3(5) of the B.N.S. 2023



and under Section 3(2)(v) of the SC/ST (POA) Act.

3. As per the prosecution case, on 31.08.2024 at about 07:30 P.M. when the father of the informant was going to the place of Krishna Janamashtami Puja then due to previous enmity Bhim Yadav, Sikander Yadav and five unknown accused persons stop the father of the informant and assaulted him with various weapons and when the villagers of the informant came to stopped the accused persons then the accused persons assaulted them also. The informant further alleged that Bhim Yadav assaulted the father of the informant with lathi and injured him and Sikander Yadav assaulted him with Farsha on his head and due to which the father of the informant received head injury. The informant further stated that when the co villagers came then the accused persons fled away and the father of the deceased was taken to GMCH Bettiah where during the course of treatment he succumbed.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident



hence no case is made out under section SC/ST Act. Learned counsel for the appellant further submits that the alleged occurrence has said to be taken place on 31.08.2024 then on 01.09.2024 the Fardbyan of the wife of the deceased has been recorded in which she narrated the entire different story and has stated the name of different accused persons who assaulted her husband. He further submits that the wife of the deceased is the eye witness of the occurrence and she has not stated a single word against the appellant and his son who is not the eye witness in the present case has lodged the FIR. He lastly submits that no specific allegation of assault has been levelled against the present appellant and there is general and omnibus allegation of assault against the appellant. Similarly situated co-accused has already been granted bail by this Court vide order dated 27.03.2025 passed in Cr. Appeal (SJ) No. 5422 of 2024. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 09.11.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition 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 14.11.2024 passed by the learned A.D.J. - 1st cum Special Judge, SC/ST (POA) Act, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 297 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 learned A.D.J. - 1st cum Special Judge, SC/ST (POA) Act, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 297 of 2024 with the condition:-

(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 appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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