

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1642 of 2025

Arising Out of PS. Case No.-79 Year-2024 Thana- SIRARI District- Sheikhpura

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1. Devendra Kumar @ Damodar Yadav @ Devendara Kumar S/o Vindeshwari Yadav R/o Village- Mahsar, Post Office- Bhadaus, P.S.- Sirari, District- Sheikhpura
 2. Sonu Kumar S/o Damodar Yadav @ Devendra Kumar R/o Village- Mahsar, Post Office- Bhadaus, P.S.- Sirari, District- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Shiv Shankar Mahto R/o Village- Mahsar, Post Office- Bhadaus, P.S.- Sirari, District- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bipin Kumar, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant/s	:	Mr. Sanjay Kumar Jha, Adv.
		Mr. Ved Prakash Chandra, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 07-08-2025 Heard learned counsel for the appellants, learned counsel for the informant 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, (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 02.04.2025 in B.P. No. 331 of 2025 passed by the learned District & Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Sheikhpura in connection with Sirari P.S. Case No.



79 of 2024 dated 01.11.2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 109, 103(1) of B.N.S. and Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(va) of SC/ST (PoA) Act.

3. As per the prosecution case, the informant alleged that on 31.10.2024 at 08.30 PM, her younger son was bursting crackers outside. When she along with her husband went to get him then she saw that the appellants and the co-accused persons along with six unknown persons were pelting stone from the roof of the co-accused Ajay Yadav @ Jhapo Yadav, thereafter the appellants and the co-accused Ajay Yadav opened fire by means of weapon, the bullet hit her husband on thigh due to which blood started oozing out. On halla, people gathered, the bullet also hit on the head of Kiran Devi due to which she became unconscious. The husband of the informant was taken to the hospital where the doctor declared him dead.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. As per the FIR, no member of the public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under



section SC/ST Act. There is no specific allegation against the appellants rather the specific allegation of firing is against the co-accused, Ajay Yadav and Deepak Kumar. The charge-sheet has been submitted against the appellants. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellant no.1 is in custody since 20.02.2025 and the appellant no.2 is in custody since 18.01.2025. The co-accused person has already been granted regular bail by this Court vide order dated 26.06.2025 passed in Cr. Appeal (S.J.) No. 1230 of 2025.

5. Learned Spl. P.P. for the State and learned counsel for the informant have vehemently opposed the prayer of bail of the appellants and submitted that as per the post-mortem report, the cause of death is cardio respiratory failure deep injury to major blood vessel leading to haemorrhage and shock.

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 appellants, the impugned order dated 02.04.2025 in B.P. No. 331 of 2025 passed by the learned District & Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Sheikhpura in connection with Sirari P.S. Case No. 79 of 2024 is set aside against the appellants. The criminal



appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Sheikhpura in connection with Sirari P.S. Case No. 79 of 2024.

(Chandra Prakash Singh, J)

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