

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2049 of 2025

Arising Out of PS. Case No.-471 Year-2022 Thana- BODHGAYA District- Gaya

Raju Kumar @ Raju Yadav S/o- Ramu Yadav RO Village- Barma PS-Cherki District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sidheshwar Ravidas S/o- Ramawatar Das Village- Jamri Ps- Cherki Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms.Soni Kumari, Adv.
For the Respondent/s	:	Ms. Alka Verma, Adv.
		Ms. Akanksha Kumari, Adv,
For the State	:	Mr.Sadanand Paswan, Spl,PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 04-09-2025 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 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 for bail of the appellant vide order dated 15.04.2025 passed by the learned Exclusive court of Special Judge SC/ST, Gaya in connection with Bodh Gaya (Cherki) P.S. Case No. 471 of 2022 dated 07.08.2022 registered for the alleged offences punishable under Sections 147, 148, 149, 341, 323, 504, 506, 307, 337, 338, 379



and 302 of the Indian Penal Code and Sections 3(1)(r)(s)/ 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 05.08.2022, the informant's father had gone to the field which is situated in Burma Village. His father had gone to sleep in the cabin of the field, the appellant and the co-accused persons along with 3-4 unknown persons armed with lathi, danda and rod etc., started abusing him. The co-accused, Bijali Yadav abused the informant's father by calling his caste name and ordered to kill him, meanwhile, the co-accused, Deo Nanadan Yadav assaulted with brick on the mouth of Ramawatar Das due to which, the bleeding started on his face, the co-accused, Kishori Yadav assaulted with rod on his mouth due to which some teeth were broken. The co-accused, Retaul Yadav and Raju Yadav assaulted the informant's father with lathi and stone due to which his father sustained serious injuries and fell down on the ground and became unconscious. On hulla, when the informant reached the place of occurrence, he saw that all the accused persons were assaulting his father with brick, stones, lathi-danda. Thereafter, the accused persons fled away from the spot and gave threats that they would kill his family members if the case would lodge



against them. The informant's father was taken to the hospital for treatment. It is further alleged that when the informant's father regained sense then he told the informant that the accused persons have snatched Rs. 10,000/- from him.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that after investigation, police found the allegation against the appellant false and baseless and hence, the appellant was not sent up for trial but the cognizance was taken against him and hence, he surrendered in the court of learned Exclusive Special Judge, SC/ST, Gaya on 29.01.2025. There is no specific allegation against the appellant and it has not been stated in the F.I.R. that what part of the body, he assaulted the informant's father. As per the post-mortem report of the deceased, the cause of death is head and brain injury due to physical assault. 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. It is further submitted that the appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 29.01.2025.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 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 15.04.2025 passed by the learned Exclusive court of Special Judge SC/ST, Gaya in connection with Bodh Gaya (Cherki) P.S. Case No. 471 of 2022, 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 court of Special Judge SC/ST, Gaya in connection with Bodh Gaya (Cherki) P.S. Case No. 471 of 2022, 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 bond of the petitioner is liable to be cancelled.

(Chandra Prakash Singh, J)

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