

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1948 of 2025

Arising Out of PS. Case No.-267 Year-2023 Thana- SINDHIYA District- Samastipur

Jaiveer Yadav @ Jayavir Yadav S/O Late Khushi Lal Yadav R/O Vill.-
Bhushan, P.s.- Singhiya, Dist.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Ramswarth Paswan @ Ramsogarth Paswan S/O Late Jagdish Paswan R/O
Vill.- Dasrath Dih, P.s.- Singhiya, Dist.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Pushkar Narain Shahi, Sr.Adv. With Mr. Shivam and Mrs. Sushmita Mishra, Adv.
For the State	:	Mr. Binay Krishna, Spl.P.P.
For Respondent – 2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 25-11-2025 Heard learned senior counsel for the appellant and
learned Special P.P. for of the State. Despite valid service of
notice, nobody appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated
25.04.2025 passed by learned Special Judge, SC/ST Act,
Samastipur in connection with Singhia P.S. Case No. 267 of
2023, registered under Sections 341, 323, 307, 504 & 34 of the
Indian Penal Code, Section 27 of the Arms Act and Sections
3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”),
whereby the prayer for bail of appellant has been rejected.

3. As per F.I.R., on 22.10.2023 at 5:30 PM, the son of
informant was cutting wheat crop, in the meantime, 5-7



unknown persons came and started abusing him by caste name and on protest, they started firing at him, as a result of which, informant's son sustained bullet injury on his left shoulder and when villagers gathered there, the accused persons started fleeing, however one person was caught by them, who disclosed his name as Jaiveer Yadav (appellant).

4. Learned counsel for appellant submits that present case is counter blast of Singhia P.S. Case No. 266 of 2023, instituted by appellant's brother against informant & other persons. During investigation, informant's son (victim) stated that it was appellant, who fired at him. Allegation of firing is general and omnibus. Injured sustained only one injury. It is not the case of informant that any public was present at the time of occurrence and as such, no case under SC/ST Act is made out against appellant. The appellant is in custody since 15.02.2025.

5. Learned Spl. Public Prosecutor opposes the appeal.

6. However, considering the aforesaid facts and circumstances as well as period of custody, the impugned order dated 25.04.2025 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with



two sureties of the like amount each to the satisfaction of
learned Special Judge, SC/ST Act, Samastipur in connection
with Singhia P.S. Case No. 267 of 2023.

(Prabhat Kumar Singh, J)

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