

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1946 of 2025**

Arising Out of PS. Case No.-147 Year-2024 Thana- Banma Itahari District- Saharsa

Roshan Yadav @ Raushan Yadav Son of Bijay yadav @ Vijay Yadav Resident
of village- Parsaha, Ps- Banma Itahri, Dist- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Sulo Yadav Son of Chandradeo Sada village- Harahari, Ps- Banka Itahri,
Dist- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rashmi Jha, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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

ORAL ORDER

3 21-08-2025 Heard learned counsel for the appellant 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, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 25.04.2025 passed by the learned Additional District & Sessions Judge-1-cum-Special Judge (SC/ST Act), Saharsa in connection with Banma Itahri P.S. Case No. 147 of 2024 dated 31.12.2024 registered for the offence/s punishable u/s 126(2), 115(2), 109, 329(3), 191(2), 352, 351 (2) & (3) of B.N.S. and Sections 3(i)(r) (s) of SC/ST Act.



3. As per the prosecution case, the informant alleged that the appellant and the co-accused persons armed with weapons came and started firing in the air to spread panic and the appellant tried to press his neck with towel and the co-accused Sunil Yadav and Kameshwar Yadav assaulted him with the butt of rifle. On halla, the villagers and his family members came thereafter they fled away from there.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellant. The specific allegation of assaulting the informant with the butt of rifle is against the co-accused Sunil Yadav and Kameshwar Yadav. It is further submitted that there is a land dispute between the parties. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has four criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 15.03.2025.

5. Learned Spl.P.P. for the State has vehemently opposed the prayer of 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 25.04.2025 passed by the learned Additional District & Sessions Judge-1-cum-Special Judge (SC/ST Act), Saharsa in connection with Banma Itahri P.S. Case No. 147 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 Additional District & Sessions Judge-1-cum-Special Judge (SC/ST Act), Saharsa in connection with Banma Itahri P.S. Case No. 147 of 2024.

(Chandra Prakash Singh, J)

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