

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1991 of 2025

Arising Out of PS. Case No.-179 Year-2024 Thana- SHANKARPUR District- Madhepura

Kartik Yadav @ Kartik Kumar S/O- Sanjay Yadav Village- Jirwa W.No-2, Ps-
Shankarpur Dist- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Kari Devi W/o- Madan Sharma Village- Jirwa W.No-2, Ps- Shankarpur Dist-
Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 18-09-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 25-04-2025 passed by learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Madhepura whereby the prayer for bail of the appellant in connection with Shankarpur PS Case No. 179 of 2024 instituted under Sections 126(2), 115(2), 74, 76, 351(2), 351(3), 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 27 of the Arms Act and Sections 3(i)(w), 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on 03.10.2024 at



about 9:00 A.M., the informant alleged that her neighbours abused her using caste remarks, restrained her from digging out *jimikand*, and fired shots at her and her son Pintu Sharma which narrowly missed. When her daughter-in-law Sintu Devi intervened, she was assaulted, dragged by hair, became half-naked, and the accused threatened to kill the family if a case was lodged.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. There is delay of four days in lodging the FIR. There is land dispute between the parties. It is alleged that appellant has fired and bullet narrowly missed, which is evident from perusal of the FIR itself, hence, no injury is on record. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 21-02-2025 and has two criminal antecedents.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the



petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 25-04-2025 passed by learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Madhepura is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Shankarpur PS Case No. 179 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

