

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2244 of 2025

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

Ajay Yadav @ Ajay Kumar @ Jhapo Yadav S/o Yaddu Yadav R/o vill -
Mahsar, P.S. - Sirari, Distt.- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sunita Devi W/o Shivshankar Mahto R/o vill - Mahsar, P.S. - Sirari, Distt.-
Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Omprakash Verma, Adv. Mr. Umesh Prasad, Adv.
For the Respondent/s	:	Mr. Sanjay Kumar Ojha, Adv. Mr. Ved Prakash Chandan, Adv.
For the State	:	Mr. Binay Krishna, Spl. PP

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

ORAL ORDER

- 3 11-09-2025 Heard learned counsel for the appellant, learned
counsel for the informant 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 of bail of the appellant *vide* order dated 06.05.2024 in B.P. No. 450/2025 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 saw that the appellant and the co-accused persons along with six unknown persons were pelting stone from the roof of the appellant, Ajay Yadav @ Jhapo Yadav, thereafter the appellant and the co-accused Dipak Kumar opened fire by means of weapon, bullet hit her husband on thigh due to which blood started oozing. 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 appellant has submitted that the appellant has 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 appellant hence no case is made out under section SC/ST Act. Nothing has been recovered from the conscious possession of the appellant. The co-accused person



has already been granted bail by this court vide order dated 03.04.2025 passed in Cr. Appeal (SJ) No. 284/2025. The charge-sheet has been submitted against the appellant. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 27.01.2025.

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 and submitted that the allegation against the appellant is that he fired on the informant's husband due to which he sustained injury and thereafter he died. The bullet also hit Kiran Devi due to which she sustained injury. The injured, Kiran Devi has given the statement in para 113 of the case diary, she has stated that the appellant fired from his pistol which hit on the deceased and one bullet also hit on her head due to which the deceased fell down and she became unconscious. As per the para 125 of the case diary, four empty cartridges kept in a box were recovered from the house of the appellant. It is further 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. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the



allegation against the appellant, I am not inclined to set aside the impugned order dated 06.05.2024 in B.P. No. 450/2025 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 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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