

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2365 of 2025**

Arising Out of PS. Case No.-29 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Rajesh Yadav S/O Kapildev Yadav R/O Village- Raghunandanpur, P.S.-
Bhagwanpur, Dist.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Punam Devi W/O Late Aklu Ram R/O Village- Bambaiya Harlal, Ward No.
-3, P.S- Dalsinghsarai, Distt.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dilip Kumar Roy, Adv. Mr. Md. Mobassar Ali, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, Spl.P.P.
For the Informant/s	:	Ms. Rekha Ranjan Prasad, Adv. Ms. Sonia Narayan Sinha, Adv.

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

ORAL ORDER

3 31-07-2025 Heard learned counsel for the appellant and learned
counsel for the informant as well as 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
26.05.2025 passed by the learned Special Judge SC/ST (PoA)
Act, Samastipur in connection with Dalsinghsarai P.S. Case No.
29 of 2022 dated 27.01.2022 registered for the offence/s
punishable u/s 302, 201 read with Section 34 of the Indian Penal



Code and Sections 3(1)(r)(s), 3(2)(v) of SC/ST Act.

3. As per the prosecution case, the co-accused, Hira Lal Rai took Rs.2 lakhs from the deceased in order to execute a sale-deed in favour of the deceased but neither the co-accused persons executed sale-deed nor returned the money of the deceased. Earlier, the deceased kept the motorcycle of the co-accused, Hira Lal Rai in lieu of money but motorcycle was taken back by the brother-in-law of the co-accused, Hira Lal Rai, who also threatened to kill the deceased. It is alleged that due to this dispute the co-accused, Hira Lal Rai and his brother-in-law with the help of other co-accused persons committed murder of the deceased.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the FIR. The name of the appellant has sprung up in this case on mere suspicion. It is further submitted that the compromise has taken place between the parties and the compromised petition has annexed as Annexure-3 with the bail petition. There is no allegation of committing murder against the appellant. It is further submitted that 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 no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 04.05.2025.

5. Learned Spl.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

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 26.05.2025 passed by the learned Special Judge SC/ST (PoA) Act, Samastipur in connection with Dalsinghsarai P.S. Case No. 29 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 Special Judge SC/ST (PoA) Act, Samastipur in connection with Dalsinghsarai P.S. Case No. 29 of 2022, with a 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 bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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