

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2454 of 2025**

Arising Out of PS. Case No.-93 Year-2025 Thana- CHAKAND District- Gaya

Mantu Yadav @ Naua R/o Ramswarup Yadav @ Gonga Yadav @ Gonga R/o
Village- Kandi, P.S.- Chandauti, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar.
2. Madhuri Devi W/o Arvind Ram R/o Village- Kandi, P.S.- Chandauti, Dist-
Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aryan Singh, Adv.
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Resp. No.2	:	Mr. Rabia Gulnaz, Adv.

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

ORAL ORDER

3 21-08-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 15.05.2025 passed by learned Exclusive
Special Judge, SC/ST Act, Gaya whereby the prayer for bail of
the appellant in connection with Chakand P.S. Case No. 93 of
2025 under Sections 103(2), 238 and 3(5) of the Bhartiya Nyaya
Sanhita, 2023 and Sections 3(2) and 3(v) of the Schedule Caste /
Schedule Tribes (Prevention of Atrocities) Act was rejected.

3. As per prosecution case, the appellant is the accused
of causing death of the husband of the informant after taking



away along with him with the help of his associates.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case merely on the basis of suspicion as well as caste dispute. There is no eye-witness to the alleged occurrence. Learned counsel for the appellant further submits that the present case is a case of last seen. Charge-sheet has been submitted in this case. Learned counsel for the appellant further submits that except suspicion, nothing incriminating has transpired either from the possession or from the statement of the appellant rather the body was found near around or inside the so-called abandoned house of one Ramesh Yadav, who has not been made accused in this case. 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 25.03.2025 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 appellant, stating that the offence alleged is serious in nature. He further submits that the appellant has two criminal antecedents.



6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstances of the case, the period of custody undergone by the appellant, there being no direct allegation against the appellant as also taking into account the materials available in the case diary, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 15.05.2025 passed by learned Exclusive Special Judge, SC/ST Act, Gaya is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chakand P.S. Case No. 93 of 2025.

(Rudra Prakash Mishra, J)

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