

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3185 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- PANCHRUKHI District- Siwan

Surendra Yadav Son of Mundrika Yadav Resident of Vill- Mahpur, P.S.-
Pachrukhi (Sarai O.P.), District- Siwan

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Amresh Kr. Singh, Advocate Mr. Saroj Kr. Choudhary, Advocate
For the Respondent/s	:	Mr. Binay Krishna, S.PP
For the Informant	:	Mr. Gaurav Kumar, Adv Mr. Mukund Kumar, Adv

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

ORAL ORDER

3 27-03-2025 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 14A(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
06.06.2024 passed by the learned court of 1st Addl. Sessions
Court-cum-Special Judge, SC/ST Act, Siwan in connection with
Pachrukhi (Sarai O.P.) P.S. Case No. 09/2024 G.R. No. 10/2024
dated 11.01.2024 registered for the offence/s punishable u/s 302
read with section 34 of the Indian Penal Code, Section 27 of the



Arms Act and Sections 3(1)(r)(s) / 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, the informant alleged that her husband along with two friends went to Paswan Tola where after some arguments between the parties, information came about the firing. Upon reaching there, it was found that the appellant and the co-accused persons after giving caste name abused them and later allegation is that Shailendra Yadav and Osihar Yadav opened fire causing injury to her husband and friend which proved fatal. This led to the F.I.R.

4. Learned counsel for the appellnat has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. There is general and omnibus allegation against the appellant. The specific allegation of firing is against the co-accused persons, Shailendra Yadav and Osihar Yadav. 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. The co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 05.12.2024 passed in Cr. Appeal (SJ) No. 2837 of 2024. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 18.06.2024.

5. Learned counsel for the informant as well as



learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition 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 06.06.2024 passed by the learned court of 1st Addl. Sessions Court-cum-Special Judge, SC/ST Act, Siwan in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 09/2024 G.R. No. 10/2024, 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 court of 1st Addl. Sessions Court-cum-Special Judge, SC/ST Act, Siwan in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 09/2024 G.R. No. 10/2024, with further 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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