

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3210 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- SC/ST District- Madhubani

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Bahadur Yadav @ Ram Bahadur Yadav son of Late Sifat Yadav R/O-
VILLAGE- MALMAL UTTAR DANI TOL, P.S.- KALUWAHI, DISTT.-
MADHUBANI

... .. Appellant/s

Versus

1. The State of Bihar
2. RENU DEVI WIFE OF BIRENDRA RAM R/O- VILLAGE- UTTAR DANI
TOL, WARD NO. 11, P.S.- KALUWAHI, DISTT.- MADHUBANI

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailendra Kumar Jha, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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

ORAL ORDER

5 06-02-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. As per the office notes dated 03.01.2025, notice has
been taken by the respondent no.2, hence, notice upon
respondent no. 2 deemed to be validly served.

3. 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
20.06.2024 passed by the learned Additional Sessions Judge-
1st-cum-Special Judge, Madhubani in connection with
Madhubani P.S. Case No. 20 of 2024 dated 22.03.2024



registered for the offence/s punishable u/ss 341, 323, 354B, 504, 379, 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2) (va) of SC/ST Act.

4. Earlier the appellant was granted provisional bail vide order dated 19.08.2024 and learned counsel for the appellant seeks confirmation of the provisional bail granted to the appellant.

5. As per the prosecution case, the informant alleges that when the co-accused, Sonu Yadav was washing the roof of the house, the water of which was coming on the door of the informant, when she objected, the appellant and the co-accused person abused and assaulted her and the appellant snatched the silver chain from the neck of the informant.

6. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case due to ulterior motive. 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 concern with the alleged occurrence. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 09.06.2024.

7. Learned counsel learned Spl. P.P. for the State has



vehemently opposed the prayer of bail.

8. 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 20.06.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Madhubani in connection with Madhubani P.S. Case No. 20 of 2024 is set aside against the appellant. The criminal appeal is allowed.

9. Considering the aforesaid facts, the provisional bail granted to the appellant vide order dated 19.08.2024 is hereby confirmed in connection with Madhubani P.S. Case No. 20 of 2024 to the satisfaction of learned Court concerned, Madhubani.

Heard learned counsel for the appellant and 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 22.07.2024 passed by the learned learned Additional Sessions Judge-cum-Special Court Siwan in connection with Maharajganj P.S. Case No. 185 of 2024 dated 12.05.2024 registered for the offence/s punishable u/ss 341, 323, 324, 504



and 506 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the co-accused person armed with weapons surrounded the informant and started abusing him. When the informant protested, all of them assaulted him with iron rod and knives with intention to kill. The appellant and the co-accused Munna Yadav assaulted with knife on his head and the other co-accused assaulted him on the head with an iron rod due to which the informant fell down and getting injured.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case due to ulterior motive. It is further submitted that there is case and counter-case between both the parties. 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 occurrence took place on 08.05.2024 but the FIR was lodged on 12.05.2024 and there is no explanation for this delay. There is general and omnibus allegation against the petitioner. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 15.07.2024.



5. Learned counsel learned Spl. P.P. for the State has vehemently opposed the prayer of bail and submitted that the specific allegation of assaulting the informant with knife is against the appellant and the co-accused, Munna Yadav.

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 22.07.2024 passed by the learned learned Additional Sessions Judge-cum-Special Court Siwan in connection with Maharajganj P.S. Case No. 185 of 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 Additional Sessions Judge-cum-Special Court Siwan in connection with Maharajganj P.S. Case No. 185 of 2024.

(Chandra Prakash Singh, J)

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