

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3439 of 2024**

Arising Out of PS. Case No.-14 Year-2023 Thana- KAMTAUL District- Darbhanga

Amit Kumar Yadav @ Salman Son Of Rajendra Yadav Village- Saidpur
Bakargage Bakarganj, Abhanda Ps- Laheri Sarai, Dist- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Kusha Devi Wife Of Late Pramod Paswan Village- Madhopatti, Ps-
Kamtaul, Dist- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arun Kumar Tiwari, Adv.
For the Respondent/s	:	Mr.Binay Krishna, APP
For the Informant/s	:	Mr. Anup Kumar Pandey, Adv.

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

ORAL ORDER

7 08-05-2025 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
05.07.2024 passed by the learned Exclusive Judge, SC/ST
(POA) Act, Darbhanga in connection with Kamtaul P.S. Case
No. 14 of 2023 dated 23.01.2023 registered for the offence/s
punishable u/s 302 read with Section 34 of the Indian Penal
Code and Sections 27 of Arms Act and Section 3(1)(r), 3(1)(s),



3(2)(v) of SC/ST (POA) Act.

3. As per the prosecution case, on 22.01.2023, the informant's husband was doing the duty of night guard at Manokamna petrol pump. It is alleged that at 2:00 AM, on hearing the sound of vehicle, the informant's husband came outside and found that some people are said to have made conversation with one another. It is further alleged that as soon as miscreants saw the informant's husband, they abused him calling his caste name and also told to shoot. The miscreants fired which hit upon the left rib of informant's husband as a result of which he became unconscious and fell down on the ground. On hulla, local people and the informant's son came there and seeing them the miscreants started firing. It is further alleged that the miscreants after leaving one tempo and motorcycle without number plate, fled away from the place of occurrence. The informant's husband died in the way to hospital. Hence, FIR was registered against unknown.

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 the confessional statement of co-accused Sumit Kumar. It is further submitted



that the trial court reported that the charge has been framed on 27.06.2024 and there is no single witness has been examined till today. There is no specific allegation against the appellant rather the specific allegation of firing is against the co-accused, Raja Kamti. 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 nine criminal antecedents in which he is on acquittal in four cases as stated at para 3 of the bail petition. The appellant is in custody since 28.03.2023. The co-accused person has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 30.01.2024 passed in Cr. Appeal (S.J.) No. 3510 of 2023.

5. Learned counsel 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 05.07.2024 passed by the learned Exclusive Judge, SC/ST (POA) Act, Darbhanga in connection with Kamtaul P.S. Case No. 14 of 2023 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 Exclusive Judge, SC/ST (POA) Act, Darbhanga in connection with Kamtaul P.S. Case No. 14 of 2023, with following conditions:-

(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.

(ii) The appellant is directed to co-operate in the trial before the learned court below.

(Chandra Prakash Singh, J)

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