

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3066 of 2025

Arising Out of PS. Case No.-366 Year-2023 Thana- MURLIGANJ District- Madhepura

Pandav Yadav @ Pandav Kumar @ Pandav Kumar Yadav son of Ram Kumar
Yadav Village- Kaushalpur Ward no 08 Now Ward no 09, PS -Murliganj
Bharrahi District -Madhepura

... .. Appellant

Versus

1. The State of Bihar bihar
2. Gunjan Devi Wife of Late Arjun Rishidev village- Chamgarh, Ward no. 07,
ps- Murliganj

... .. Respondents

Appearance :

For the Appellant	:	Mr. Shailendra Kumar Singh, Advocate Mrs. Kumari Rashmi, Advocate Mr. Pravin Kumar, Advocate Mr. Deepak Kumar Singh, Advocate
For the Respondent	:	Mr. Binay Krishna, Sp.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

3 09-10-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State. Further, learned S.P.P.
has submitted that as per letter no. 955 dated 08.08.2025 he has
sent notice to Respondent No. 2, but none appeared on behalf of
the Respondent No. 2.

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
11.07.2025 passed by the learned A.D.J. 1st-Cum-Special Judge,
SC/ST Act, Madhepura passed in B.P. No. 1766/2025 arising out



of Murliganj P.S. Case No. 366/2023 (SC/ST Case No. 104/2023) dated 04.09.2023 registered for the offences punishable u/s 302, 120B read with Section 34 of the Indian Penal Code, Sections 27 of the Arms Act and 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have come to the shop of the informant and abused the informant's husband by calling his caste name. The villagers gathered at the side of altercation, in the meantime, the appellant along with his associate opened fired on the informant's husband which hit his chest. Thereafter, the injured was taken to hospital where he succumbed to the injury.

4. Learned counsel for the appellant 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. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. As per Annexure-P/3, the P.W.1, P.W. 2 (father of the deceased) and P.W. 3 (brother of the deceased) have been declared hostile. Further, P.W. 4 (informant) in her deposition has stated that she



has not seen the person who has fired upon her husband due to which he died. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 08.09.2023.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail by submitting that the specific allegation of firing is against the appellant due to which the husband of the informant died. Earlier the regular bail of the appellant was rejected by this court vide order dated 20.07.2024 passed in Cr. Appeal (SJ) No. 1440/2024.

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 11.07.2025 passed by the learned A.D.J. 1st-Cum-Special Judge, SC/ST Act, Madhepura passed in B.P. No. 1766/2025 arising out of Murliganj P.S. Case No. 366/2023 (SC/ST Case No. 104/2023) 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 A.D.J. 1st-Cum-Special Judge, SC/ST Act, Madhepura passed in B.P. No. 1766/2025



arising out of Murliganj P.S. Case No. 366/2023 (SC/ST Case No. 104/2023), 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)

Atul/-

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