

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3145 of 2025

Arising Out of PS. Case No.-248 Year-2024 Thana- BASANHI District- Saharsa

Laxman Yadav S/O Dashrath Yadav Resident of village- Basnahi, P.S.-
Basnahi, District- Saharsa Appellant/s

Versus

1. The State of Bihar
2. Sridevi W/O Late Jethatudu R/O- Ismail Santhali Tola, Ward No.-6, P.S.-
Basnahi, Dist.- Saharsa Respondent/s

Appearance :

For the Appellant/s	:	Mr. S.N.P Singh, Sr. Advocate Mr. S.P. Singh, Advocate
For the State/s	:	Ms. Usha Kumari, No. 1, Advocate
For the Informant	:	Mr. Satyam Anand, Advocate

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

ORAL ORDER

- 325-09-2025
- Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. 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 against the rejection of prayer of bail of the appellant vide order dated 23.06.2025 passed by the learned Additional Sessions Judge-1-Cum-Special Judge SC/ST Act, Saharsa in connection with Basnahi P.S. Case No. 248 of 2024 dated 21.12.2024 registered for the alleged offences punishable under Sections 103, 238, 61(2) read with Section 3(5) of B.N.S and Sections 3(i)(r)3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, the informant alleges



that on 19.12.2024 the informant's husband went to petitioner's house for asking money, then in the evening petitioner dropped the informant's husband at his house on the motorcycle. Further informant's husband told that money has not been arranged and petitioner has told that he will give money tomorrow. On 20.12.2024 petitioner by enticing the informant's husband for giving money took him on the motorcycle after which informant's husband did not return till night and his mobile phone was switched off. On the next morning at 7 AM villagers saw half burnt dead body near which a mobile phone was lying, near a road which goes from Ijmail Santhali to Basnahi. Subsequently, the body was identified as the body of the informant's Jetha Tuddy.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that due to local village politics, the informant has named the appellant as a main assailant in the alleged occurrence. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. The appellant is in custody since 22.12.2024. The appellant has no criminal antecedent as stated



in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant. In paragraph 22 of the case diary, the gallon of petrol used to cremate the deceased was recovered from the location indicated by the appellant Laxman Yadav. The accused also admitted that he bought the petrol from the same tank by which he burned the deceased. In paragraph 25 of the case diary, a blood-stained lathi was recovered from the maize field from which the appellant assaulted the informant's husband. At the instance of the appellant, the deceased's bicycle was recovered from a pond.

6. Considering the aforesaid facts and circumstances of the case and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 23.06.2025 passed by the learned Additional Sessions Judge-1-Cum-Special Judge SC/ST Act, Saharsa in connection with Basnahi P.S. Case No. 248 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

Raj Ranjan/-

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