

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3829 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- CHHABILAPUR District- Nalanda

1. Niranjana Yadav S/o- Shyam Yadav R/O - Nansut Bigha, P.S - Chabilapur, District - Nalanda
2. Pappu Yadav son of Jagdish Yadav @ Bhola Yadav R/O - Nansut Bigha, P.S - Chabilapur, District - Nalanda

... .. Appellants

Versus

1. The State of Bihar Bihar
2. Sanju Devi wife of Dukhan Manjhi Village- Meyar Ps- Chabilapur Dist- Nalanda

... .. Respondents

Appearance :

For the Appellant/s : Mr.Pankaj Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 27-03-2025 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. As per the office notes dated 27.03.2025, notice upon respondent no. 2 deemed to be validly served.

3. 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 31.07.2024 passed by the learned Additional District and Sessions Judge 6th Cum- Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Chabilapur P.S. Case No. 77/2024 dated 25.06.2024 registered for the offence/s punishable u/s 341, 323, 307, 506 and 504 read with Section 34



of the Indian Penal Code, Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act and Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

4. As per the prosecution case, on 25.06.24, the appellants and the co-accused persons came to the house of the informant and started abusing and started searching Indal Manjhi. When he was not found, they reached near Karun Manjhi's house and they found Indal Manjhi and started slapping him. Thereafter, Ranjit Yadav started assaulting Indal Manjhi by putting a towel around his neck. In the meantime, the co-accused, Putus Yadav started firing from a pistol. When the informant came to save Indal Manjhi, the co-accused, Putus Yadav fired a shot which hit her leg. When the villagers gathered there, the appellants and the co-accused persons fled away.

5. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellants. The specific allegation of firing is against the co-accused, Putus Yadav. 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 appellants hence no case under the SC/ST Act is made out against the appellants. The appellants have two



criminal antecedents as stated at para 3 of the bail petition. The appellant no. 1 is in custody since 16.07.2024 and the appellant no. 2 is in custody since 19.07.2024.

6. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail.

7. 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 appellants, the impugned order dated 31.07.2024 passed by the learned Additional District and Sessions Judge 6th Cum- Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Chabilapur P.S. Case No. 77/2024 is set aside against the appellants. The criminal appeal is allowed.

8. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 6th Cum- Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Chabilapur P.S. Case No. 77/2024.

(Chandra Prakash Singh, J)

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