

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4177 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- KHODAWANDPUR District- Begusarai

Chamru Yadav S/o Late Bhuttu Yadav @ Bhuttu Yadav @ Late Ramashish Yadav @ Ramashish Yadav R/o Village- Pansalla, Moin Tola, ward No. 8, P.S -khodawandpur, District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Poonam Devi S/o Surya Shekhar Das @ Suraj R/o vill - Pansalla (Pansala), ward no. 8, P.S. - Khodawandpur, Distt- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sandip Kumar Gautam
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 10-01-2025 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 04.05.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Begusarai in connection with Khodawandpur P.S. Case No. 317/2023 dated 20.11.2023 registered for the offences punishable u/ss 302, 201 and 120B read with Section 34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the informant's son



went with the appellant and the co-accused persons but at night he did not return to home, thereafter, on the next day, the dead body of the informant's son was found in the hanging condition on the Bamboo tree.

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. The other co-accused persons have been granted bail by this court vide order dated 22.08.2024 passed in Cr. Appeal (SJ) No. 988 of 2024. There is no specific allegation of taking the informant's son forcibly rather he went with the accused persons of his own will. It is further submitted that there is no eye witness to the alleged occurrence. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 31.01.2024.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail and submitted that notice has validly been served to the Respondent No. 2.

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 04.05.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Begusarai in connection with Khodawandpur P.S. Case No. 317/2023 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 Special Judge, SC/ST Act, Begusarai in connection with Khodawandpur P.S. Case No. 317/2023.

(Chandra Prakash Singh, J)

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