

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3581 of 2025

Arising Out of PS. Case No.-646 Year-2024 Thana- BUXAR District- Buxar

Shashi Yadav S/o- Late Mukhlal Yadav R/o- Village- Shanti Nagar Ps- Buxar
T Dist- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sima Devi W/o- Late Manoj Ram R/o- Village- Shanti Nagar Ps- Buxar T
Dist- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dr. Kamal Deo Sharma, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 13-11-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and perused the case
diary. Despite valid service of notice, none appears on behalf of
opposite party no. 2.

2. The instant appeal has been filed by the appellant
against the order dated 11.07.2025 passed by learned District
and Additional Sessions Judge-1-cum-Special Judge, SC/ST
(POA) Act, Buxar whereby the prayer for bail of the appellant in
connection with Buxar (T) P.S. Case No. 646 of 2024 under
Sections 126(2), 115(2), 109, 352, 351(2), 3(5) of the Bharatiya
Nyaya Sanhita, 2023, read with Section 27 of the Arms Act and
Section 3(1)(r)(s) of SC/ST Act was rejected.



3. Prosecution case, in short, is that the appellant along with other co-accused persons forcefully entered the house of informant with an intention to kill him. It is further alleged that the appellant fired upon the informant but no one sustained any injury and then the appellant repeatedly hit informant by the *butt* of the pistol.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that the allegation levelled against the appellant is not specific rather the same is general and omnibus in nature. It is next submitted that the injury sustained by the informant is simple in nature caused by hard and blunt object. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 02.01.2025 and has got nine criminal antecedents.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.



6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 11.07.2025 passed by learned District and Additional Sessions Judge-1-cum-Special Judge, SC/ST (POA) Act, Buxar is hereby set aside.

7. Let the appellant be released on bail *after framing of charge, if not already framed* on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar (T) P.S. Case No. 646 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

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