

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4447 of 2024**

Arising Out of PS. Case No.-116 Year-2024 Thana- JAMALPUR District- Munger

Sharad Yadav @ Sharad Prakash Son of Ravindra Yadav @ Rabindra Prasad
Yadav Resident of Mohalla - Laxmanpur, Jagdishpur, P.S. - Jamalpur, District
- Munger

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Savita Devi Wife of Raj Kumar Paswan Resident of Mohalla - Laxmanpur,
Ward No.36, P.S. - Jamalpur, District - Munger

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashi Saurabh, Adv.
For the Respondent/s : Ms.Usha Kumari 1, Spl.PP

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

ORAL ORDER

3 20-02-2025 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 01.08.2024 passed by the learned
Special Judge, (SC/STAct)-cum-A.D.J.-I, Munger in connection
with Jamalpur P.S. Case No. 116 of 2024 dated 11.06.2024
registered for the alleged offences punishable under Sections
147, 149, 341, 323, 307, 504, 506, 354B of the Indian Penal
Code, Sections 3(i)(r)(s)/ 3(2)(va) of the Scheduled Castes and
Scheduled Tribes Act and Section 27 of the Arms Act.

3. As per prosecution case, on 10.06.2024, when the



informant's son Gaurav Kumar objected the co-accused, Aditya Kumar for driving motorcycle with high speed then the appellant and the co-accused persons armed with fire-arms came there and they fired 8-10 rounds with the intention to kill the informant and her son. However, both of them were luckily saved. Thereafter, the accused persons brutally assaulted the informant. The accused persons also tore her blouse and threw her on the ground by catching hold of her hair with bad intention. The accused persons also abused her by calling her caste name. Thereafter, the accused persons threatened her if she would lodge any case they would kill her.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is general and omnibus allegation of abusing against the appellant. 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. There is a case and counter case between the parties. Learned counsel has further submitted that the accused persons fired 8-10 rounds but no one sustained any firearms injury. As per injury report of the injured, the injury is simple in nature. The appellant has no concern with the alleged



offence. The appellant is in custody since 30.07.2024. The appellant has two criminal antecedents in which he is acquitted in one case 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.

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 01.08.2024 passed by the learned Special Judge, (SC/STAct)-cum-A.D.J.-I, Munger in connection with Jamalpur P.S. Case No. 116 of 2024, 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 Special Judge, (SC/STAct)-cum-A.D.J.-I, Munger in connection with Jamalpur P.S. Case No. 116 of 2024.

(Chandra Prakash Singh, J)

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