

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4534 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- MURLIGANJ District- Madhepura

Hare Ram Pauddar Son of Rameshwar Pauddar R/o Village- Rajani P.S.-
Murliganj District-Madhepura

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ranju Devi Wife of Rajesh Hansda R/o Village- Rajani P.S.-Murliganj
District-Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pawan Kumar

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 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 07.09.2024 passed by the learned Additional Sessions Judge- 1st-cum-Special Judge, SC/ST, Madhepura in connection with SC/ST Case No. 13/2024 arising out of Murliganj P.S. Case No. 451/2023 dated 24.10.2023 registered for the offences punishable u/ss 302 and 120B read with Section 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of



the SC/ST (PoA) Act.

3. As per the prosecution case, on 23.10.2023 while the informant along with her husband was in the grocery shop, the petitioner Hare Ram Poddar and the co-accused persons, Chhotu Yadav, Ashok Das and Vishwajit Kumar @ Pintu Yadav came on two motorcycles which were identified by the informant and they demanded some grocery articles. As soon as her husband started giving grocery to them, they fired on her husband from their pistols due to that he sustained injuries and fell down on the ground. On hulla, the accused persons fled away. The villagers brought her husband to Murliganj Hospital where he died. It is further alleged that in addition to the aforesaid co-accused persons, the co-accused Shekhar Yadav, Rajeev Raja, Om Prakash Das, Pradeep Das, Ranjeet Yadav and Swet Kamal @ Bauaa Yadav were giving threatening to her husband since four years for vacating his land with an intention of grabbing the same otherwise they would kill him like the murder of the deceased's father Babu Lal Marandi, Mangal Tutu and Kapleshwar Das. The informant believed that the aforesaid accused persons conspired to murder her husband.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to



ulterior motive. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The other co-accused person has been granted bail by this court vide order dated 05.07.2024 passed in Cr. Appeal (SJ) No. 2263 of 2024. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 16.08.2024.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant. The specific allegation of firing and causing death of the informant's husband is against the petitioner Hare Ram Poddar and the co-accused persons, Ashok Das, Chhotu Yadav and Vishwajit Kumar @ Pintu Yadav.

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 07.09.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST, Madhepura in connection with SC/ST Case No. 13/2024 arising out of Murliganj P.S. Case No. 451/2023 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 Additional Sessions Judge-1st-cum-Special Judge, SC/ST, Madhepura in connection with SC/ST Case No. 13/2024 arising out of Murliganj P.S. Case No. 451/2023.

(Chandra Prakash Singh, J)

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