

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4750 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- GANGTA District- Munger

Sanjay Yadav Son of Sudo Yadav Resident of Village- Kushmaha, P.S.-
Gangta, Distt.- Munger

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhujju Hembram Son of Late Suraj Hembram Resident of Village/Mohalla-
Kushmaha, P.S.- Gangta, Distt.- Munger

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kumar Kamal Nayan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	None

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

ORAL ORDER

6 10-04-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 30.08.2024 passed by learned Special Judge, SC/ST Act, Munger whereby the prayer for bail of the appellant in connection with Gangta P.S. Case No. 22 of 2024 under Sections 341, 323, 457, 354B, 302, 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va)(v) of SC/ST Act was rejected.

3. Accusation against the accused persons including the appellant is of assaulting the wife of the informant on her stomach, as a result of which she sustained injuries and died.



4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that the allegations levelled against the appellant are general and omnibus in nature and no specific allegation is levelled against him. Learned counsel further submitted that appellant has no intention to commit the murder of the deceased and had no knowledge that the deceased had performed surgery on her stomach. Learned counsel further submitted that as per post-mortem report, no external injury was found on the body of the deceased. 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 22.05.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant, stating that the appellant along with other accused persons committed the murder of the deceased by assaulting her with legs and fists on her abdomen.

6. Considering the aforesaid facts and circumstances



of the case, there being no specific allegation against the appellant of assaulting the deceased nor there being any material to prove that the appellant had intention to kill her as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 30.08.2024 passed by learned Special Judge, SC/ST Act, Munger in connection with Gangta P.S. Case No. 22 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Munger P.S. Case No. 22 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.

(III) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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