

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4115 of 2025**

Arising Out of PS. Case No.-136 Year-2025 Thana- DELHA District- Gaya

Boby Yadav @ Bobby Kumar S/O Ram Pravesh Yadav @ Ram Pravesh Prasad
R/O Vill.- Kharkura, (Kharkhura) Tarwana, P.S.- Delha, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sonamanti Devi W/O Sharwan Manjhi R/O Vill.- Kharkura, (Kharkhura)
Tarwana, P.S.- Delha, Dist.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rabia Gulnaz, Adv
For the Informant	:	Mr. Prakash Chandra, Adv
		Mr. Nitesh Kumar, Adv
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

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

ORAL ORDER

2 30-10-2025 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14(2)(A) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against the rejection of prayer for bail vide order
dated 22.08.2025 passed by the learned Exclusive Special
Judge, SC/ST (POA) Act, Gaya Ji, in connection with Delha P.S.
Case No. 136 of 2025 dated 16.06.2025 registered for the
offence/s punishable u/ss 126(2), 115(2), 109, 352, read with
section 3(5) of the BNS, Sections 25 (1-B) (a), 26, 27 of the



Arms Act and Sections 3(2)(v), 3(1)(r), 3(1) (s) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the other co-accused persons are alleged to have assaulted the informant and also abused her by taking her caste name. By the intervention of local persons matter was pacified but after some time all the FIR named accused persons including the appellant started firing on the house of the informant out of which one bullet hit the main door of the house of Munna Manjhi, thereafter, all the accused persons threatened the informant for dire consequences. The co-accused Gopal Kumar was apprehended with the help of the villagers and one empty cartridge was also recovered from the spot.

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 the caste name was not disclosed by anyone at the time of the alleged occurrence. There is no specific allegation of firing against the appellant. It is further submitted that the charge sheet has already been submitted. Learned counsel for the appellant has submitted that as per the Annexure -2, the matter has been settled between the parties. It is next submitted that no recovery



of arms and ammunition has been made from the conscious possession of the appellant. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. The appellant has four criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 01.07.2025.

5. Learned Spl. P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition 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 22.08.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya Ji, in connection with Delha P.S. Case No. 136 of 2025, 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 (POA) Act, Gaya Ji, in connection with Delha P.S. Case No. 136 of 2025, with a condition:-



(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant is liable to be cancelled.

(Chandra Prakash Singh, J)

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