

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5096 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- NARHATT District- Nawada

Ajit Yadav @ Ajit Kumar S/o Vijay Yadav @ Vijay Prasad Resident of village
- Siyaran Bigha , Barakhurd , P.S.- Narhatt, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mina Devi W/O Shivdayal Rajvanshi R/O Village- Somran Bigha, P.S-
Narhatt, Distt.- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Prakash, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, SPP

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

ORAL ORDER

4 29-07-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State. However, learned

counsel for the informant is not present despite valid service of

notice.

2. The instant appeal has been filed by the appellant
against the order dated 17.10.2024 passed by Additional
Exclusive Special Judge, Special Court Schedule
Caste/Schedule Tribe (Prevention of Atrocities) Act, Nawada,
whereby the prayer for bail of the appellants in connection
Narhat P.S. Case No. 195 of 2024, under Sections 323, 341, 307,
504, 506, 34 of the Indian Penal Code, Section 27 of the Arms
Act, sections 3(1)(r)(s) and 3(2)(va) of SC/ST Act was rejected.



3. Prosecution case, in short, is that, the appellant along with other co-accused persons assaulted the husband of the informant by means of iron rod on his head and allegedly appellant and Jitendra Yadav opened fire upon him.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. There is case and counter case between the parties. As per allegation in the FIR, appellant allegedly opened fire and no one sustained fire arm injury. Apart from this, there is no specific allegation against the appellant and even if the allegation is taken on its face value, the injury of the injured is found to be simple in nature. Learned counsel for the appellants further submits that the appellants have 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 them. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 23.09.2024 and have one criminal antecedent. Other co-accused have been enlarged on bail vide order dated 13-11-2024, passed in Cr. Appeal (SJ) No. 3558 of 2024, passed by this Court.

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, case and counter case between the parties 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 17.10.2024 passed by Additional Exclusive Special Judge, Special Court Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, Nawada, is hereby set aside.

7. Let the appellant 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 Narhat P.S. Case No. 195 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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