

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5187 of 2024**

Arising Out of PS. Case No.-348 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Anil Kumar Yadav Son of Lakshman Yadav @ Laxman Chaudhary Resident  
Of Village -Shrinagar, Ps- Siwan Muffasil, Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar son of Late Nawal Kumar Ram village- Mahadeva Mission, Ps- Mahadeva Op, Dist- Siwan

... .. Respondent/s

**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Appellant/s  | : | Mr. Ajay Kumar Tiwary, Advocate |
| For the Respondent/s | : | Mr. Binay Krishna, APP          |
| For the Informant    | : | None                            |

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

ORAL ORDER

4      21-03-2025                      Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. None appears on behalf of the informant despite notice being validly served. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 19.09.2024 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge, Siwan whereby the prayer for bail of the appellant in connection with Siwan Muffasil P.S. Case No. 348 of 2024 under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(v) of SC/ST Act was rejected.

3. Accusation against the three unknown accused



persons is of firing upon the informant's brother due to which he died.

4. Learned counsel for the appellant submitted that the appellant is innocent and has falsely been implicated in the present case only on the basis of suspicion. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of at the instance of the co-accused. Learned counsel for the appellant submits that, as per the material available in the case diary, there is no specific allegation against the petitioner. Learned counsel further submitted that there is no eye-witness to the alleged occurrence. He next submits that as per the impugned order, the specific allegation of firing is attributed to co-accused Jimmi @ Master Jitendra Yadav. 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. Charge-sheet has been submitted in this case. The appellant is in custody since 12.08.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant, stating that



prayer for grant of bail to a co-accused person has already been rejected vide order dated 18.01.2025 passed in Cr. Appeal (SJ) No. 4648 of 2024.

6. Considering the aforesaid facts and circumstances of the case, there being no allegation of firing against the petitioner as per the material available in the case diary 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 19.09.2024 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge, Siwan in connection with Siwan Muffasil P.S. Case No. 348 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 Siwan Muffasil P.S. Case No. 348 of 2024.

8. The appeal stands allowed.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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