

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5267 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- KIUL RAIL P.S. District- Lakhisarai

Raushan Yadav Son of Ramanand Yadav Village- Brindavan, Po- Kiul RS, Ps-
Kiul, dist- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Anita Devi Wife of Ajay Manjhi Village- Brindavan, Po- Kiul RS, Ps- Kiul,
dist- Lakhisarai At P/A- Dhanvah, Mananpur, Ps- Chanan, Dist- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mayank Bilochan
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr. Rajive Ranjan Singh

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

ORAL ORDER

5 24-04-2025 Heard learned counsel for the appellant, learned
counsel for the informant 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
19.10.2024 passed by the learned District and Addl. Sessions
Judge-1-Cum-Special Judge, SC/ST Act, Lakhisarai R.B.A No.
1634/2024, arising out of Railway/Jamalpur Kiul G.R.P.S Case
No. 141/2024 dated 09.08.2024 registered for the offence/s
punishable u/s 103 read with Section 3(5) of the B.N.S. and



Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, on 06.08.2024 the informant along with her husband Ajay Manjhi were going for treatment of their son and as soon as they reached near Kiul railway field, the petitioner Raushan Yadav and other co-accused Chandan Thakur, Bholu Yadav, Banty Yadav surrounded them with intention to commit loot and dragged the informant's husband behind an old crain machine and demanded money. On protest by the informant's husband, the petitioner and the co-accused assaulted the informant's husband and snatched Rs. 5,000/- from him. Thereafter, the informant took her husband to village doctor for his treatment but no recovery was made then she admitted her husband on 08.08.2024 at Sadar Hospital, Lakhisarai and her husband died on 09.08.2024.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. There is general and omnibus allegation against the appellant. As per the post-mortem report, no external injury was found



over the body of the deceased. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 20.08.2024.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

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 19.10.2024 passed by the learned District and Addl. Sessions Judge-1-Cum-Special Judge, SC/ST Act, Lakhisarai R.B.A No. 1634/2024, arising out of Railway/Jamalpur Kiul G.R.P.S Case No. 141/2024 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 District and Addl. Sessions Judge-1-Cum-Special Judge, SC/ST Act, Lakhisarai R.B.A No. 1634/2024, arising out of Railway/Jamalpur Kiul G.R.P.S Case No. 141/2024, with further 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 are liable to be cancelled.

(Chandra Prakash Singh, J)

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