

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5310 of 2024

Arising Out of PS. Case No.-572 Year-2024 Thana- FATUA District- Patna

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Pintu Kumar @ Pintu Yadav Son of Binod Yadav Resident of Village -
Ranipur, P.S. - Fatuha, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Kavita Devi Wife of Lalbahadur Paswan Resident of Village - Ranipur, P.S. -
Fatuha, District - Patna

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 5515 of 2024

Arising Out of PS. Case No.-572 Year-2024 Thana- FATUA District- Patna

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Manoj Kumar @ Manoj Yadav Son of Chandradeep Singh @ Chandradeep
Yadav vill - chhoti ranipur, Ps- Fatuha, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Kavita Devi wife of Lalbahadur Paswan vill - Ranipur, Ps- Fatuha, Dist-
Patna

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 5310 of 2024)

For the Appellant/s : Mr. Pramod Kumar

For the Respondent/s : Mr. Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 5515 of 2024)

For the Appellant/s : Mr. Pramod Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 28-02-2025
1. Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. An order, dated 25.10.2024, passed by learned Exclusive
Special Judge, SC/ST Act, Civil Court, (Sadar) Patna in



connection with Sr. No. 357 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the regular bail applications of the appellants in connection with Fatuha Police Station Case No. 572 of 2024 registered for the offence punishable under Sections 126(2)/115(2)/103(1)/352/61(2) of the Bharatiya Nyaya Sanhita, Section 27 of the Arms Act and Sections 3(1)(r)(s)/3(2)(v) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, have been rejected.

3. The prosecution case, as per the First Information Report, is that on 22.08.2024, at about 06:0 PM, the husband of the informant was working in construction of village temple. In the meantime, all the accused persons, including the appellants, having arms in their hands, arrived there and started abusing the informant's husband by taking caste name. It has further been alleged that co-accused Bhola Yadav fired at the informant's husband, who died during the course of treatment.
4. Learned counsel for the appellants submits that the appellants have not committed any offence in the manner



alleged and no specific overt act has been alleged against them. The allegation is general and omnibus in nature and specific allegation of firing is upon other co-accused Bhola Yadav. He next submits that false and concocted allegation has been leveled against the appellants due to village politics and the similarly situated co-accused persons have been granted regular bail by this Court in Cr. Appeal (SJ) No. 4941 of 2024. He further submits that the appellant is in custody since 24.08.2024, charge-sheet has been submitted by the police and there is no likelihood that the appellant will abscond and/or tamper with the evidence.

5. Learned counsel for the informant vehemently opposes the prayer for bail.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the appellant is in custody since 24.08.2024, the similarly situated co-accused persons have been granted regular bail by this Court and charge-sheet has been submitted by the police and there is no likelihood that the appellants will abscond and/or tamper with the evidence, I am inclined to grant the



appellants privilege of regular bail.

7. This appeal is, accordingly, allowed and the order, dated 25.10.2024, passed by learned Exclusive Special Judge, SC/ST Act, Civil Court, (Sadar) Patna, in Sr. No. 357 of 2024, is set aside.
8. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Civil Court, (Sadar) Patna, in connection with Fatuha Police Station Case No. 572 of 2024.

(Anil Kumar Sinha, J)

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