

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5548 of 2024

Arising Out of PS. Case No.-297 Year-2024 Thana- LAURIA District- West Champaran

Bholu Yadav @ Bholu Kumar S/O Arjun Yadav Resident of Vill- Parari, P.S.-
Lauriya, Dist- West Champaran.

... .. Appellant

Versus

1. The State of Bihar.
2. Krishna Mahto S/O Late Vinod Dhangad R/O Village- Parsa Dhangad Toli,
P.S- Lauriya, Distt.- West Champaran.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

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

ORAL ORDER

4 10-04-2025 Heard learned counsel for the appellant, learned
counsel for the informant and the learned Special Public
Prosecutor appearing on behalf of the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 against the rejection of prayer for bail *vide* order dated
19.11.2024 passed by the learned District and Additional Sessions
Judge-I-cum-Special Judge, SC/ST (PoA) Act, Bettiah, West
Champaran in B.P. No. 3672 of 2024, arising out of Lauriya P.S.
Case No. 297 of 2024 dated 01.09.2024 registered for the offences
punishable under Section 103(1) read with Section 3(5) of the
B.N.S. and under Section 3(ii)(v) of the SC/ST (PoA) Act.

3. As per the prosecution case, due to previous



dispute, the accused Bhim Yadav and Sikandar Yadav along with five other unknown persons assaulted informant's father due to which he sustained serious injuries and later on he died during treatment.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in the present case due to ulterior motive. Learned counsel next submitted that appellant is not named in the FIR and from perusal of FIR it appears that there is no specific allegation of assault attributed against the appellant, rather the specific allegation of assault is attributed against accused Bhim Yadav and Sikandar Yadav. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence, hence no case is made out under SC/ST Act. Learned counsel further submitted that the wife of the deceased in her *fardbeyan* has not stated the name of the appellant. Learned counsel further submitted that similarly situated co-accused have already been granted bail by this Court *vide* order dated 27.03.2025 passed in Cr Appeal (SJ) No. 5432 of 2024 and Cr. Appeal (SJ) No. 5406 of 2024. The appellant has one criminal antecedent as stated in para no. 3 of the bail petition. The appellant is in custody since 13.11.2024.

5. Learned counsel for the informant as well as



learned Special Public Prosecutor for the State has 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 19.11.2024 passed by learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST (PoA) Act, Bettiah, West Champaran in connection with B.P. No. 3672 of 2024, arising out of Lauriya P.S. Case No. 297 of 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 only) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST (PoA) Act, Bettiah, West Champaran in connection with **Lauriya P.S. Case No. 297 of 2024.**

(Chandra Prakash Singh, J)

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