

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.5559 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- Mufassil District- Khagaria

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1. KAILASH YADAV S/O LATE DASRATH YADAV @ TIKLI YADAV
RESIDENT OF VILLAGE AND PO - AMNI, P.S- MANSI, DISTRICT-
KHAGARIA.
 2. ASHOK YADAV S/O LATE DASRATH YADAV @ TIKLI YADAV
RESIDENT OF VILLAGE AND PO - AMNI, P.S- MANSI, DISTRICT-
KHAGARIA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MAMTA DEVI @ MAMTA KUMARI W/O LATE ROHIT RAM
RESIDENT OF VILLAGE AND PO - AMNI, P.S- MANSI, DISTRICT-
KHAGARIA.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Diwakar Prasad Singh
For the State	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Seema Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 19-03-2025 1. Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State as well as the
respondent no. 2.
2. An order, dated 28.10.2024, passed by learned Additional
Sessions Judge – I -cum- Special Judge SC/ST, Khagaria,
in Criminal Bail Petition No. 255 of 2024, in respect of
appellants 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 application of the appellants in connection with Muffasil Police Station Case No. 112 of 2024 registered for the offence punishable under Sections 191(2)/191(3)/190/103(1) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act read with Section 3(2v) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 22.08.2024, upon information that the appellants, along with 9 to 10 co-accused persons, have surrounded Sanjeev Ram and were firing indiscriminately upon him, the informant, along with her husband and others, reached at the place of occurrence and saw that all the accused persons, including the appellants, were armed with lethal weapons. When the informant and others intervened, they started abusing and assaulting the informant, her husband and others by their caste name and also fired upon them due to which the husband of the informant died by firing made by the co-accused Chhabila Yadav. It has further been alleged that Suman Mishra fired upon Sanjeev Ram, Chhotu Mishra fired upon



Ranbir Ram, Aplesh Yadav fired upon Bhola Ram with an intention to kill, but somehow they were saved.

4. Learned counsel for the appellants submits that the appellants have not committed any offence in the manner alleged and they have falsely been implicated in this case. There is no specific allegation against the appellants, although six brothers of the appellants were named as accused in this case, but specific allegation of firing is against one brother. The informant is not an eye witness, however, she has tried to be an eye witness as per the allegation made in the First Information Report. He further submits that provisions of SC/ST Act is not applicable in this case inasmuch as the caste abuse was not made in full public view.
5. On the other hand, learned counsel for the State and the respondent no. 2 vehemently opposes the prayer for bail and submits that the appellants were armed with lethal weapon. They, along with other accused persons, by forming unlawful assembly have killed the husband of the informant and have also abused the informant and others by taking their caste name.
6. I have heard learned counsel for the parties and have



perused the materials available on records, including the impugned order.

7. The appellants are named in the First Information Report having lethal weapons in their hands, the deceased was surrounded by the appellants and other accused persons and one of them point blank fired upon the the informant's husband, who died and other accused persons also resorted to firing. The appellant no. 1 is having two criminal antecedent and the appellant no. 2 is having five criminal antecedents.
8. Considering the aforesaid and gravity of offence and severity of punishment, I am not inclined to grant the appellants privilege of regular bail.
9. This appeal is, accordingly, dismissed and the order, dated 28.10.2024, passed by learned Additional Sessions Judge – I -cum- Special Judge SC/ST, Khagaria, in Criminal Bail Petition No. 255 of 2024, is hereby affirmed.
10. However, the appellants may renew their prayer for bail after six months from today, if the trial does not show any



substantial progress.

(Anil Kumar Sinha, J)

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