

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5626 of 2024

Arising Out of PS. Case No.-477 Year-2024 Thana- DIGHA District- Patna

Sanjay Yadav @ Madhusudhan Prasad Son of Ram Swarath Rai Resident of
Village- Ramjichak Yadav Gali, PS-Digha, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sangeeta Devi Wife of Late Bijendra Paswan Resident of Village- Gandhi
Gali Main Road, Ramji Chak, PS-Digha, Distt.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Usha Kumari I

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

ORAL ORDER

3 17-04-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. As per the office notes dated 16.04.2025, notice
upon respondent no. 2 deemed to be validly served.

3. This is an appeal under Section 14(A)(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
25.10.2024 passed by the learned Exclusive Special Judge,
SC/ST Act, Sadar Patna in Serial No. 298/2024 arising out of
Digha P.S. Case No. 477/2024 registered for the offence/s
punishable u/s 118, 109 and 61(2) of the B.N.S, Sections 25(1-
B)(a), 26, 27 and 35 of the Arms Act and Sections 3(1)(r)(s) and
3(2)(v) of the SC/ST Act. Thereafter, Section 103 of the B.N.S.



was added.

4. As per the prosecution case, eight miscreants riding on three motorcycles came and fired indiscriminately on the informant's son and his friend causing injuries. They also fired on the informant, but she escaped. Further, the informant has alleged that the co-accused persons along with some unknown miscreants have fired on the informant's son and his friend indiscriminately with an intention to kill. Thereafter, nearby people started pelting stones upon the accused persons then they fled away and the informant's son and his friend were taken to hospital.

5. 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. As per para. 46 and 47 of the case diary, the injured has stated the name of the petitioner and stated that the petitioner was doing the job of liner. The appellant has two criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 23.09.2024.

6. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail. As per the P.M. Report, the



informant's son died due to haemorrhage and shock and so far as the injury of Raju Kumar is concerned, the nature of injury is grievous in nature.

7. 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 25.10.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Sadar Patna in Serial No. 298/2024 arising out of Digha P.S. Case No. 477/2024 is set aside against the appellant. The criminal appeal is allowed.

8. 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 Exclusive Special Judge, SC/ST Act, Sadar Patna in Serial No. 298/2024 arising out of Digha P.S. Case No. 477/2024 , 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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