

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5663 of 2024

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

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APALESH YADAV S/o- Late Dashrath Yadav @ Tikli Yadav Village- Amni
Ps- Mansi Dist- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamta Devi W/o- Late Rohit Ram Village- Amni Ps- Mansi Dist- Khagaria

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pankaj Kumar
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 04-04-2025 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.
2. An order, dated 28.10.2024, passed by learned Additional Sessions Judge I -cum- Special Judge SC/ST, Khagaria, in Criminal Bail Application No. 255 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 application of the appellant in connection with Mufassil 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 and 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 appellant, along with 9-10 co-accused persons, have surrounded one Sanjiv Ram of their village and are firing indiscriminately upon him due to which he died and when the informant, his husband and others reached at the place of occurrence and intervened, the appellant, along with other accused person, assaulted and abused the informant, his 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 co-accused Chabila Yadav. It has further been alleged that Suman Mishra fired upon Sanjeev Ram, Chhotu Mishra fired upon Ranveer Ram and the appellant fired upon Bhola Ram with an intention to kill them but somehow they were saved.
4. Learned counsel for the appellant submits that the appellant has not committed any offence in the manner alleged and he has falsely been implicated in this case. There is no specific allegation against the appellant, although five brothers of the appellant were named as



accused in this case, but specific allegation of firing is against one brother, namely, Chhabila Yadav. 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. He also submits that at best he can only be said to be a member of unlawful assembly. The appellant is in custody since 23.08.2024.

5. I have heard learned counsel for the parties and have perused the materials available on records, including the impugned order.
6. The appellant is named in the First Information Report, the deceased was surrounded by the appellant and other co-accused persons and one of them point blank fired upon the informant's husband who died, there is specific allegation against the appellant that he fired upon Bhola Ram and the regular bail applications of the similarly situated co-accused persons i.e. Kailash Yadav and Ashok Yadav, in Cr. Appeal (SJ) No. 5559 of 2024, and Tejo Yadav, in Cr. Appeal (SJ) No. 5687 of 2024, have been



rejected by this Court.

7. Considering the aforesaid and taking into consideration the gravity of offence and severity of punishment and the fact that the appellant is a member of unlawful assembly having criminal antecedents, I am not inclined to grant the appellant privilege of regular bail.
8. 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 Application No. 255 of 2024, is hereby affirmed.
9. However, the appellant may renew his prayer for bail after six months, if the trial does not show any substantial progress.

(Anil Kumar Sinha, J)

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