

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5692 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- DHAMDAHA District- Purnia

Bhushan Yadav @ Shashi Bhushan Kumar son of Upendra Yadav @ Upendra
Anand village- Chandrahi Hajari tol, Ps- Dhamdaha, Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Bablu Uraon son of Late Uttim Uraon village- Hajari tola, ward no. 7, Ps-
Dhamdaha, Dist- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vaishnavi Singh, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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

ORAL ORDER

4 19-06-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. 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 29.10.2024 passed by the learned Special Judge, SC/ST Act, Purnea in connection with Dhamdaha P.S. Case No. 81 of 2024 dated 25.03.2024 registered for the offence/s punishable u/ss 279 and 304A of the Indian Penal Code in which later on Sections 302 read with Section 34 were added, 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(v) of the SC/ST Act.



3. As per the prosecution case, on 25.03.2024 at 5.15 P.M., the informant's brother Budhu Uraon was going to his house from Dhamdaha Bazar. As soon as he reached Hazari Tol Bisahari Asthan then he was hit by an unknown vehicle. Nearby people took his brother to Sub-divisional Hospital, Dhamdaha where during course of treatment his brother died.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the FIR. As per para-11 of the case diary, the witness Kaili Devi has stated that the co-accused Murli Yadav took out a pistol and fired on her husband's neck due to which he got injured and fell down on the ground. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. There is general and omnibus allegation against the appellant. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 09.09.2024.

5. Learned Spl.P.P. for the State has vehemently opposed the prayer of bail.

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 29.10.2024 passed by the learned Special Judge, SC/ST Act, Purnea in connection with Dhamdaha P.S. Case No. 81 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Purnea in connection with Dhamdaha P.S. Case No. 81 of 2024.

(Chandra Prakash Singh, J)

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