

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5672 of 2024

Arising Out of PS. Case No.-399 Year-2024 Thana- BODHGAYA District- Gaya

Ved Prakash Yadav S/O Rambriksh Yadav @ Bidrohi Yadav Village- Mahurar Tola Bhalua, PS- Bodhgaya, Dist.- Gaya. At Present Village- Purani Taridih, PS- Bodhgaya, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sidharth Kumar S/O Sunil Manjhi Village- Purani Taridih, PS- Bodhgaya, Dist.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vijay Kumar, Adv. Mr. Mahendra Thakur, Adv.
For the Respondent/s	:	Mr. Ramakant Singh, Adv.
For the Stae		Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 17-04-2025 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 and learned Spl. P.P. 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 against the rejection of prayer for bail of the appellant vide order dated 30.11.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with B.P. No. 3825/2024 arising out of Bodhgaya P.S. Case No. 399 of 2024 dated 14.08.2024 registered for the alleged



offences punishable under Sections 126(2), 115(2), 110, 352 read with Section 3(5) of the B.N.S. and Sections 3(2)(1)(r) (s)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 13.08.2024 at about 7:30 P.M. the informant went to the house of his friend Nikhil Kumar and he was talking with him at his door, in the meantime, the appellant and the co-accused persons came on a motorcycle and dashed his motorcycle due to which he fell down. On protest made by the informant, the appellant started abusing him by calling his caste name. Thereafter, the appellant assaulted him with iron rod on his head with the intention to kill due to which he sustained injury on his head. The appellant also instigated his friends to assault upon which the co-accused, Divya Prakash and Aditya Prakash Yadav started assaulting him with lathi and danda.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. Nothing has been recovered from the conscious



possession of the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 18.11.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant and submitted that the specific allegation is against the appellant for assaulting with iron rod on the head of the victim causing injury to him. As per the impugned order, the nature of injury has been opined as grievous in nature showing C.T. Scan of brain Hairline fracture in the right side of frontal bone with surrounding soft tissue Edema.

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 30.11.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with B.P. No. 3825/2024 arising out of Bodhgaya P.S. Case No. 399 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 earned Exclusive Special Judge, SC/ST, Gaya in connection with B.P. No. 3825/2024 arising out of Bodhgaya P.S. Case No. 399 of 2024.

(Chandra Prakash Singh, J)

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