

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.96 of 2025

Arising Out of PS. Case No.-274 Year-2024 Thana- Kadirganj P.S. District- Nawada

Shakaldeo Yadav @ Shakaldeo Kumar Yadav S/o Late Parmeshwar Yadav
Resident Of Village- Pachamba, Ps- Kadirganj, District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Nitish Kumar S/o Madan Ram R/o vill - Kadirganj, P.s.- Kadirganj, Distt.- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Sheo Kumar Prasad, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Birendra Kumar, Advocate Mr. Kumud Kishore, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 27-03-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State, learned counsel for the informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 03.12.2024 passed by learned Exclusive Special Court SC/ST, Nawada, whereby the prayer for bail of the appellant in connection with Kadirganj P.S. Case No. 274 of 2024 under Sections 126(2), 115(2), 118(1), 117(2), 109, 103(1), 352, 351(2)(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3(i)(r)(s) and 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellant



along with other co-accused persons brutally assaulted and injured the nephew of the informant and his friend and during course of treatment nephew of the informant succumbed to his injuries.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel for the appellant also submits that the deceased and daughter of the appellant have love affair. The appellant and informant are co-villagers. It is next submitted that local people caught both of them and informed the informant. The allegation levelled against the appellant is general and omnibus in nature. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 14.11.2024 and has got one criminal antecedent in which he is on bail.

5. Learned Special P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the appellant and submitted that specific allegation has been levelled against the appellant. It is further



submitted that friend of the deceased, namely, Sunny Kumar has confessed about the alleged occurrence and attributed specific allegation against the appellant. Postmortem report of the deceased also corroborates with the prosecution case. Hence, the appellant does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, specific allegation as also nature and gravity of the offence, this Court is not inclined to grant bail to the appellant at this juncture.

7. Accordingly, the appeal stands dismissed. The trial Court is directed to expedite the trial expeditiously.

(Rudra Prakash Mishra, J)

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