

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.120 of 2025

Arising Out of PS. Case No.-40 Year-2024 Thana- PANDARAK District- Patna

RAJEEV YADAV @ RAJEEV RAI S/O SWARATH YADAV @ RAM
SWARATH R/o vill - Bhuapur, P.S. - Pandarak, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. ARUN PASWAN S/O LATE BHAGWAN PASWAN RESIDENT OF VILL-
BHUAPUR, P. S.-PANDARAK, DIST-PATNA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Jay Ram Prasad
For the OP No. 2	:	Mr. Krishna Murari
For the Respondent/s	:	Mr.Sadanand Paswan

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

ORAL ORDER

- 3 20-03-2025 Heard learned counsel for the appellant and

learned counsel for the respondent no. 2 as well as 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 against the rejection of prayer for bail
vide order dated 06.12.2024 passed by the learned
Exclusive Special Judge, SC/ST (POA) Act, Patna in
Special Case no. 446 of 2024, Serial No. 55 of 2024 arising
out of Pandarak P.S. Case No. 40 of 2024 dated 18.12.2024
registered for the offence/s punishable u/ss 147, 148, 149,



341, 323, 307 of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(r)(s) / 3(2) (v) of the SC/ST (POA) Act.

3. As per the prosecution case, on 17-02-2024 on the occasion of "Sarswati Puja" a cultural program was organized in the informant's village. In the meantime, the appellant and the other co-accused persons came and ordered to play "Bhojpuri" song, when some boys who were present there opposed them. Then, the appellant and the co-accused persons started firing indiscriminately, in course of the firing, the informant sustained bullet injury on the toe of his right leg and one Rohit Kumar sustained bullet injury on the thigh of his right leg. When nearby people made hue and cry then the appellant and the co-accused persons fled away by firing, thereafter, the injured were taken to Sub-divisional Hospital, Barh.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no



member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. There is general and omnibus allegation against the appellant. It is further submitted that the informant sustained lacerated wound over right toe measuring $\frac{1}{2}$ " x $\frac{1}{4}$ " and the other injured Rohit Kumar sustained lacerated wound over right thigh. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 23.09.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

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 06.12.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Patna in Special Case no. 446 of 2024, Serial No. 55 of 2024 arising out of Pandarak P.S. Case No. 40 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 Exclusive Special Judge, SC/ST (POA) Act, Patna in Special Case no. 446 of 2024, Serial No. 55 of 2024 arising out of Pandarak P.S. Case No. 40 of 2024.

(Chandra Prakash Singh, J)

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