

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.338 of 2026

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

Aplesh Yadav @ Apalesh Yadav S/O Late Dashrath Yadav R/O Vill.- Amni,
P.S.- Mansi, Dist.- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mamta Devi W/O Late Rohit Ram R/O Vill.- Amni, P.S.- Mansi, Dist.- Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mritunjay Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 24-04-2026

1. Heard the parties.

2. The appellant has renewed his prayer for bail in connection with Muffasil P.S. Case No. 112 / 2024 dated 22.08.2024 corresponding to Special S.C. / S.T. G.R. No. 98 / 2024 registered under Section 191(2), 191(3), 190, 103(1) of the B.N.S. 2023, Section 27 of the Arms Act and Section 3(2v) of the S.C. / S.T. Act.

3. The bail application of the appellant was earlier rejected by this court vide order dated 04.04.2025 passed in Cr. Appeal (SJ) No. 5663 / 2024 with liberty to the appellant to renew his prayer for bail after six months if the trial does not show any substantial progress.



4. The prosecution case in short is that on 22.08.2024 upon information that the appellant along with 9-10 co-accused persons have surrounded Sanjeev Ram and were firing indiscriminately upon him, the informant along with her husband and others rushed to the place of occurrence and saw that all the accused persons including the appellant were armed with lethal weapons. When the informant and others intervened, they started abusing and assaulting the informant, her husband and others by caste name and also fired upon them due to which the husband of the informant died by the firing made by Chhabila Yadav. It has further been alleged that Suman Mishra fired upon Sanjiv Ram, Chhotu Mishra fired upon Ranveer Ram and Aplesh Yadav (i.e. appellant) fired upon Bhola Ram with an intention to kill but somehow they were saved.

5. Learned counsel for the appellant submits that appellant has falsely been implicated in this case along with his brothers. Although six brothers of the appellant were named as accused in this case but specific allegation of firing is against Chhabila Yadav. He further submits that provisions of S.C. / S.T. Act is not applicable in this case inasmuch as caste abuse was not made in full public view. The appellant is merely a member of unlawful assembly and no overt act has been alleged against



him. Similarly situated co-accused Suman Mishra and Ajit Yadav have been granted regular bail by a Co-ordinate Bench of this Court vide order dated 16.09.2025 and 26.06.2025 respectively in Cr. Appeal (SJ) Nos. 1142 of 2025 & 893 of 2025 and Tejo Yadav has been granted bail by this Court vide order dated 30.01.2026 passed in Cr. Appeal (SJ) No. 4495 of 2025. The appellant is in custody since 23.08.2024.

6. On the other hand, learned counsel for respondent no. 2 opposed the prayer for bail and submits that appellant was part of an unlawful assembly and was having weapon in his hand and one of the members of that unlawful assembly fired upon the informant's husband due to which he died.

7. Regard being had to the submissions made by the parties, taking into consideration the fact that similarly situated co-accused persons have been granted bail by this Court, the appellant is in custody for more than 1½ year and there is no flight risk of the appellant, accordingly, I am inclined to grant regular bail to the appellant.

8. Let the appellant, above named, be released on regular bail on furnishing bail bond of Rs. 10,000 /- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st cum Special



Judge (S.C./ S.T.) Khagaria in connection with Muffasil P.S.
Case No. 112 / 2024 corresponding to Special S.C. / S.T. G.R.
No. 98 / 2024 subject to the condition that the appellant shall
remain present on each and every date during the course of trial
and in case of default on two consecutive dates without prior
permission of the trial court his bail bond shall liable to be
cancelled.

(Anil Kumar Sinha, J)

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