

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.800 of 2025

Arising Out of PS. Case No.-424 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

Ram Awatar Yadav, Son of Jhinardev Yadav@ Jinardev Yadav, Resident of
Village- Nandana, P.S.- Chainpur, Distt.- Kaimur at Bhabua

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Ram, Son of Late Vijjan Ram, Resident of Village- Hatta P.S.-
Chainpur, District- Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhakar Singh, Advocate

For the Respondent/s : Mrs.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 31-01-2026 Heard learned counsel for the appellant, learned
counsel for the respondent and learned Special Public Prosecutor
for the State.

2. The instant appeal has been filed by the appellant
against the order dated 13.12.2024 passed by learned District and
Additional Sessions Judge-I-cum- Special Judge, Kaimur at
Bhabua whereby the prayer for bail of the appellant in connection
with Chainpur P.S. Case No. 424 of 2023 under Sections 302, 504
and 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)
(v) of SC/ST (Prevention of Atrocities) Act was rejected.

3. Learned counsel for the appellant has submitted that
earlier the bail petition of this appellant was rejected by learned
Co-ordinate Bench vide order dated 27.06.2024 passed in Cr.



Appeal (SJ) No. 1406 of 2024 with a direction to the learned trial Court to conclude the trial of the appellant at the earliest. Learned counsel for the appellant has further submitted that till now charge has not been framed and petitioner is in custody since 02.01.2024.

4. The case of the prosecution, in short, is that the respondent was working in his field with other persons and his 12 years old daughter went to pluck green leaves (sag) at some distance. At that very time, the appellant along with his son Gaurav Yadav and two other persons came and started abusing the respondent's daughter by calling her caste name. The appellant and his son Gaurav Yadav assaulted the daughter of the respondent with lathi-dada and strangled her with her scarf. The respondent's daughter died on the way to the hospital.

5. It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case. From perusal of the F.I.R., it is clear that there is also allegation of strangulating her with her scarf but from perusal of the postmortem report, it transpires that there is no such antemortem injury on the person of the deceased. It has further been submitted that the occurrence has taken place on spur of moment and the weapons which are alleged to be used are lathi and dada. The nature of allegation is general and omnibus. Moreover, the learned counsel for the appellant has submitted that



parties have compromised the case and they have filed the compromise petition before the trial Court.

6. The appeal for bail is vehemently opposed by learned Spl. P.P. for the State and learned counsel for the respondent. Learned counsel for the respondent has also admitted that the case has been compromised between the parties.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 13.12.2024 passed in connection with Chainpur P.S. Case No. 424 of 2023 is hereby set aside.

8. The appellant is directed to be enlarged on bail in connection with Chainpur P.S. Case No. 424 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-I-cum-Special Judge, Special Court, SC/ST (Prevention of Atrocities) Act, Kaimur at Bhabua.

(Ashok Kumar Pandey, J)

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