IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.998 of 2026

CNR No. BRHC010247992026

Arising Out of PS. Case No.-366 Year-2023 Thana- MURLIGANJ District- Madhepura

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Raj Kumar Yadav @ Raj Kumar Son of Late Gopal Yadav Resident of Village- Kaushalpur, P.S.- Madhepura, District- Madhepura

... ... Appellant/s

Versus

1. The State of Bihar
2. Gunjan Devi Wife of Late Arjun Rishidev Resident of Village- Chamgarh, Ward No. 7, P.S.- Murliganj, District- Madhepura

... ... Respondent/s

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Appearance :
For the Appellant : Ms. Pooja Prasad, Advocate
Mr. Binod Kumar Sinha, Advocate
For the State : Mr. Binay Krishna, Spl.PP
For the Informant : N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 29-10-2026 Heard learned counsel appearing for the appellant and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 16.01.2026 passed in a case registered for the offence punishable under Sections 302, 120B and 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of

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Atrocities) Act, whereby the prayer for grant of anticipatory bail of this appellant has been rejected.

4. As per prosecution case, informant, namely Gunjan Devi, alleged that on 03.09.2023 at about 3-4 PM, a dispute arose over theft of bamboo from her premises whereafter, all the F.I.R. named accused persons, including this appellant, abused and threatened informant and her family members. It is further alleged that at about 8 PM, all the accused persons assembled near her shop and started abusing informant with caste based slurs. Co-accused Pandav Yadav instigated others whereupon, the accused persons opened fire at husband of informant due to which he sustained injuries and during course of treatment, he died.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of F.I.R. it is apparent that specific accusation of firing is against co-accused Pandav Yadav. So far as this appellant is concerned, he is only alleged to be present at the place of occurrence and no allegation of any overt act has been levelled against him. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes

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and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. It is further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 28.02.2025 passed in *Cr. Appeal (SJ) No. 18 of 2024.* Appellant claims clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has vehemently opposed the prayer for grant of bail to the appellant.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, claim based on parity and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 16.01.2026 passed by the learned District and Additional Sessions Judge 1st-cum-Special Judge, SC/ST, Madhepura in connection with A.B.P. No. 1622 of 2025 arising out of Murliganj P.S. Case No. 366 of 2023 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of

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learned District and Additional Sessions Judge 1st-cum-Special Judge, SC/ST, Madhepura in connection with Murliganj P.S. Case No. 366 of 2023.

(Prabhat Kumar Singh, J)

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