

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2941 of 2025

Arising Out of PS. Case No.-147 Year-2024 Thana- Banma Itahari District- Saharsa

Kameshwar Yadav Son of Ashok yadav Resident of village - Parsaha, Po-
Jamal Nagar, Ps- Salkhua (Banma Itahari), Dist- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Sulo Sada son of Chandradeo Sada Village- Harahari, Ps- Banka Itahari, Dist- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Rashmi Jha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 29-01-2026 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 03.07.2025 passed by learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Saharsa whereby the prayer for bail of the appellant in connection with Banma Itarhi P.S. Case No. 147 of 2024 under Sections 126(2), 115(2), 109, 329(3), 191(2), 352, 351(2) &(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(i)(r)(s) of SC/ST Act was rejected.

3. The prosecution case, in short, is that the accused,



armed with weapons, created terror by firing in the air, assaulted the informant, forcibly took a tractor, and fled away.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that the allegation against the appellant and one Sunil Yadav is of assaulting the informant with the butt of the rifle. Learned counsel further submitted that the appellant is being dragged in this case merely due to previous dispute between the parties. 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. Charge-sheet has been submitted in this case. The appellant is in custody since 05.05.2025 and has three criminal antecedents. The co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 21.08.2025 passed in Cr. Appeal (SJ) No. 1946 of 2025.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances



of the case, claim based on parity and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 03.07.2025 passed by learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Saharsa in connection with Banma Itarhi P.S. Case No. 147 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banma Itarhi P.S. Case No. 147 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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