

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3301 of 2025

Arising Out of PS. Case No.-402 Year-2024 Thana- BELDOUR District- Khagaria

Sajjan yadav Son of Late Anelal Yadav Resident of village - Kainjri, Ps-
Beldour, dist- Khagaria

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Lilam Devi Wife of Deepnarayan Ram Resident of village - Kainjri, Ward
no. 10, Ps- Baldour, Dist- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Rashmi Jha, Advocate
For the State	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Rajesh 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 22.02.2025 passed by learned District &

Additional Sessions Judge-I-cum-Special Judge, SC/ST Act,

Khagaria whereby the prayer for bail of the appellant in

connection with Beldour PS Case no. 402 of 2024 instituted

under Sections 103(1) & 3(5) of the Bharatiya Nyaya Sanhita,

2023, Section 27 of the Arms Act and Sections 3(2)(v) & 3(i)(s)

of SC/ST Act was rejected.

3. The prosecution case, in short, is that on



18.11.2024 at about 11:00 PM, the informant's son Chotu Kumar (aged about 19 years) was going to see the '*Kartik Purnima*' fair when he was surrounded by the named accused and others, abused by caste name, and assaulted. It is alleged that co-accused Mankhush Yadav fired at Chotu Kumar, causing a head injury which resulted in his death on the spot.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant mainly submits that from bare perusal of the F.I.R., it would be evident that there is no specific allegation of firing attributed upon the appellant, rather the same is upon co-accused, namely, Mankhush Yadav. There is delay of two days in lodging the FIR. There is general and omnibus allegation against the appellant. 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. The appellant is in custody since 22.01.2025 and has four criminal antecedents.

5. Learned Special P.P. for the State and the informant



have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation against the appellant 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 22.02.2025 passed by learned District & Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Khagaria is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Beldour PS Case no. 402 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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