

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4591 of 2025

Arising Out of PS. Case No.-202 Year-2025 Thana- BELDOUR District- Khagaria

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1. Nitish Yadav S/O Jamun Yadav R/O Village- Mali Ward No. 5, P.S- Bedaur, Distt.- Khagaria, Bihar.
 2. Gokul Yadav S/O Sikendar Yadav R/O Village- Mali Ward No. 5, P.S- Bedaur, Distt.- Khagaria, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Geeta Devi W/O Ramdeo Ram R/O Village- Mali Ward No.5, P.S- Bedaur, Distt.- Khagaria, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailendra Kumar Singh, Advocate Ms. Seema Kumari, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 27-04-2026 Seen the Office Notes.

2. From the tracking report, it appears that notice has been validly served upon Respondent No. 2. However, no one appears on behalf of Respondent No. 2 despite such valid service.

3. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

4. The present appeal has been preferred against the order dated 14.10.2025 passed by the learned District and Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Khagaria in connection with Beldaur P.S. Case No. 202 of 2025, registered for the offences punishable under Sections 126(2),



115(2), 109, 303(2), 352, 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 27 of the Arms Act and Section 3(i)(r)(s) of the SC/ST Act, whereby the prayer for bail of the appellants has been rejected.

5. As per the prosecution case, the appellants, along with other co-accused persons, are alleged to have fired at the informant and her family members and also abused them by taking the name of their caste.

6. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in the present case. It is further submitted that there is no specific allegation against either of the appellants and the allegations are general in nature. It is also submitted that there is no allegation of intentional insult or intimidation with intent to humiliate the informant in any place within public view so as to attract the provisions of the SC/ST Act. It is further submitted that the appellants are in custody since 03.10.2025 and have no criminal antecedent.

7. Learned Special Public Prosecutor for the State has opposed the prayer for bail.

8. Having considered the submissions of the parties and on perusal of the materials available on record, it appears



that no specific overt act has been attributed to either of the appellants. Further, the essential ingredients to attract the provisions of the SC/ST Act *prima facie* do not appear to be made out against the appellants, and it is also noted that no one sustained any injury.

9. Accordingly, the impugned order dated 14.10.2025 passed by the learned District and Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Khagaria in connection with Beldaur P.S. Case No. 202 of 2025 is set aside and the appeal is allowed.

10. Let the appellants be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Beldaur P.S. Case No. 202 of 2025.

11. It is made clear that the observations made herein are *prima facie* in nature and confined only to the adjudication of the present appeal for bail and shall not be construed as an expression on the merits of the case.

(Sandeep Kumar, J)

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