

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2039 of 2021**

Arising Out of PS. Case No.-294 Year-2020 Thana- BARACHATTI District- Gaya

1. VIJAY YADAV, Son of Late Panchu Yadav Resident of Village- Bulakichak, P.S.- Mohanpur, District- Gaya.
2. Mahesar Yadav Son of Late Panchu Yadav Resident of Village- Bulakichak, P.S.- Mohanpur, District- Gaya.
3. Shyam Lal Yadav Son of Late Panchu Yadav Resident of Village- Bulakichak, P.S.- Mohanpur, District- Gaya.
4. Rupes Yadav @ Rupesh Yadav @ Rupes Kumar Son of Shyam Lal Yadav Resident of Village- Bulakichak, P.S.- Mohanpur, District- Gaya.
5. Ram Chandra Yadav Son of Late Rewa Yadav Resident of Village- Bulakichak, P.S.- Mohanpur, District- Gaya.
6. Chhotu Kumar @ Arjun Kumar Son of Devki Yadav Resident of Village- Bulakichak, P.S.- Mohanpur, District- Gaya.
7. Anil Yadav Son of Devnandan Yadav Resident of Village- Bulakichak, P.S.- Mohanpur, District- Gaya.
8. Pink Yadav @ Pinku Yadav Son of Pitamber Yadav Resident of Village- Bulakichak, P.S.- Mohanpur, District- Gaya.
9. Kishori Yadav Son of Late Komal Yadav Resident of Village- Bulakichak, P.S.- Mohanpur, District- Gaya.
10. Nanhak Kumar Son of Narayan Yadav Resident of Village- Bulakichak, P.S.- Mohanpur, District- Gaya.
11. Mahendra Yadav Son of Late Nemdhari Yadav Resident of Village- Bulakichak, P.S.- Mohanpur, District- Gaya.
12. Rajendra Yadav Son of Late Ganesh Yadav Resident of Village- Bulakichak, P.S.- Mohanpur, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Subila Devi Resident of Village- Bulaki Chak, P.S.- Mohanpur, District- Gaya.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Ashok Kumar  
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

6 05-10-2021

Heard Mr. Ashok Kumar, learned Advocate for



the appellants and Mr. Binay Krishna, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 04.01.2021, passed by the learned Exclusive Special Judge, SC/ST Gaya, in A.B.P. No. 3252 of 2020, arising out of Barachatti (Mohanpur) P. S. Case No. 294 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 325, 307, 354, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation against the appellants is of having assaulted the members of prosecution party for irrigating the field.

It has been alleged in the F.I.R. that the informant was abused by taking her caste name and she was also made to understand that anybody who defies the orders of the accused persons is assaulted.



The learned counsel for the appellants has submitted that an absolutely false accusation has been made in the subject F.I.R. In fact, the appellant no. 5 had earlier lodged a case against the informant and others by Barachatti (Mohanpur) P. S. Case No. 295 of 2020, which has been registered under Sections 341, 323, 325, 308, 354, 504 and 34 of the Indian Penal Code.

Some persons from the side of the accused persons also are injured.

Three persons are said to have been injured in the subject F.I.R. Two of them have received only simple injuries. The injury on one of the victims has been opined to be grievous.

The learned counsel for the appellants, however, has submitted that from the dimension of the injuries on Munarik Yadav, it would appear that those are also simple but curiously, they have been stated to be grievous in nature.



It has further been submitted that there was a dispute with respect to watering of the field but accusation under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been made only to add a serious colour to the case.

It has, therefore, been urged that the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has not made out from the facts of this case, so far as appellants are concerned.

Regard being had to the afore-stated facts, the order dated 04.01.2021, passed by the learned Exclusive Special Judge, SC/ST Gaya, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of



Rs. 10,000 /- (Ten Thousand) each with two sureties of  
the like amount each to the satisfaction of the learned  
Exclusive Special Judge, SC/ST Gaya, in connection with  
Barachatti (Mohanpur) P. S. Case No. 294 of 2020,  
subject to the conditions as laid down under Section 438  
(2) Cr.P.C.

**(Ashutosh Kumar, J)**

skm/-

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