

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3539 of 2021**

Arising Out of PS. Case No.-180 Year-2018 Thana- GHANSHYAMPUR District- Darbhanga

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1. RABINDRA YADAV S/o LATE JIBACH YADAV R/o VILLAGE-BAGHRAS, P.S- GHANSHYAMPUR, DISTRICT- DARBHANGA.
2. VIRENDRA YADAV S/o LATE JIBACH YADAV R/o VILLAGE-BAGHRAS, P.S- GHANSHYAMPUR, DISTRICT- DARBHANGA.
3. SHASHIKANT YADAV S/o SURENDRA YADAV R/o VILLAGE-BAGHRAS, P.S- GHANSHYAMPUR, DISTRICT- DARBHANGA.
4. MANIKANT YADAV S/o SURENDRA YADAV R/o VILLAGE-BAGHRAS, P.S- GHANSHYAMPUR, DISTRICT- DARBHANGA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Lal Dai Devi wife of Prameshwar Sada resident of village- Baghras, P.S.- Ghanshyampur, District- Darbhanga

... .. Respondent/s

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with

**CRIMINAL APPEAL (SJ) No. 3540 of 2021**

Arising Out of PS. Case No.-180 Year-2018 Thana- GHANSHYAMPUR District- Darbhanga

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1. PRAMOD YADAV Son of Late Bilat Yadav Resident of Village- Baghras, Post- Baghras, P.S.- Ghanshyampur, District- Darbhanga.
2. Laxmi Yadav Son of Late Kari Yadav Resident of Village- Baghras, Post- Baghras, P.S.- Ghanshyampur, District- Darbhanga.
3. Sushil Yadav @ Sushil Kumar Yadav Son of Late Jubach Yadav Resident of Village- Baghras, Post- Baghras, P.S.- Ghanshyampur, District- Darbhanga.
4. Sikandra Yadav Son of Late Jibach Yadav Resident of Village- Baghras, Post- Baghras, P.S.- Ghanshyampur, District- Darbhanga.
5. Surendra Yadav Son of Late Jibach Yadav Resident of Village- Baghras, Post- Baghras, P.S.- Ghanshyampur, District- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Dai Devi wife of Prameshwar Das resident of village- Baghras, P.S.- Ghanshyampur, District- Darbhanga

... .. Respondent/s

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**Appearance :**

(In CRIMINAL APPEAL (SJ) No. 3539 of 2021)



For the Appellant/s : Mr.Pankaj Kumar Jha, Adv.  
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.  
(In CRIMINAL APPEAL (SJ) No. 3540 of 2021)  
For the Appellant/s : Mr.Pankaj Kumar Jha, Adv.  
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      16-11-2022              Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

Despite valid service of notice upon the respondent no.2,  
as per the office notes, nobody appears on her behalf.

This is an appeal under section 14(A) of the Scheduled  
Castes and Scheduled Tribes (Prevention of Atrocities) Act,  
1989 (hereinafter in short referred to as the 'SC/ST Act') against  
the refusal of prayer for anticipatory bail vide order dated  
21.06.2021, passed by learned 1<sup>st</sup> Additional Sessions Judge-  
cum- Spl. Judge, SC/ST (POA Act), Darbhanga, in connection  
with Ghanshyampur P.S. Case No.180 of 2018, registered under  
sections 447, 143, 341, 323, 324, 354(B), 504, 506 of the IPC  
and sections 3(1)(s) of the SC and ST Act.

Allegedly, all the F.I.R. named accused persons including  
the appellants tried to forcibly cultivate the field of informant  
and on protest, they abused the informant. Thereafter, they  
indiscriminately assaulted the informant's side by means of  
various weapons and tried to outrage her modesty.

It is submitted by learned counsel for the appellants that



the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific allegation against the appellants to abuse the informant by taking her caste name. The occurrence is alleged to have taken place on 12.11.2018 but F.I.R. has been lodged on 22.11.2018 i.e. after a delay of ten days and no plausible explanation has been given regarding the delay. This creates doubt about the prosecution case. Relying upon the judgment of the Apex Court in the case of *Hitesh Verma vs. State of Uttarakhand & Anr.* reported in *2020 (10) SCC 710*, it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail is maintainable. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail and submits that appellants have abused the informant by taking her caste name.

Considering the facts and circumstances of the case and the judgment of the Apex Court in *Hitesh Verma (supra)*, the appellants named above, in the event of their arrest or surrender



before the learned Court below within a period of six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge-cum- Spl. Judge, SC/ST (POA Act), Darbhanga, in connection with Ghanshyampur P.S. Case No.180 of 2018, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned orders of both the appeals are set aside and the appeals are allowed.

**(Anjani Kumar Sharan, J)**

pallavi/-

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