

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.708 of 2023**

Arising Out of PS. Case No.-334 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

1. RANJEET YADAV Son of Ramakaran Yadav R/v- Nandgaon, P.S.- Chainpur, District- Kaimur at Bhabua
2. PINTU YADAV Son of Ram Prawesh Yadav R/v- Nandgaon, P.S.- Chainpur, District- Kaimur at Bhabua
3. RAM PRAWESH YADAV Son of Late Tilak Yadav @ Tilaki Yadav R/v- Nandgaon, P.S.- Chainpur, District- Kaimur at Bhabua
4. BECHAN YADAV Son of Late Tilaki Yadav R/v- Nandgaon, P.S.- Chainpur, District- Kaimur at Bhabua
5. RAM KARAN YADAV Son of Late Tilaki Yadav R/v- Nandgaon, P.S.- Chainpur, District- Kaimur at Bhabua
6. RAM GAHAN YADAV Son of Late Tilaki Yadav R/v- Nandgaon, P.S.- Chainpur, District- Kaimur at Bhabua
7. ANKIT KUMAR Son of Bechan Yadav R/v- Nandgaon, P.S.- Chainpur, District- Kaimur at Bhabua
8. SANTOSH KUMAR Son of Ramgahan Yadav R/v- Nandgaon, P.S.- Chainpur, District- Kaimur at Bhabua
9. MANISH YADAV @ MANISH KUMAR SINGH Son of Ram Karan Yadav R/v- Nandgaon, P.S.- Chainpur, District- Kaimur at Bhabua
10. AMARJEET YADAV @ AMARJEET KUMAR SINGH Son of Ram Karan Yadav R/v- Nandgaon, P.S.- Chainpur, District- Kaimur at Bhabua

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajani Kant Pandey, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
	:	Mr. Randhir Kumar No.1, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-12-2023

Heard learned counsel for the parties.

2. Learned counsel for the appellants seeks permission to withdraw this application with regard to appellant no.4.

3. Permission is accorded.

4. Accordingly, this application is dismissed as withdrawn with regard to appellant no.4. Now, this application



is being heard only for rest of the petitioner.

5. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

6. This is an appeal under Section 14-A(2) 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 of anticipatory bail vide order dated 10.01.2023 passed by learned Additional District and Sessions Judge-1st, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 334 of 2022, registered under Sections 341, 323, 324, 307, 354(B), 379 and 34 of the Indian Penal Code and Sections 3(1)(r)(s)(w) and 2(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

7. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is general and omnibus allegations levelled against the appellants and all the accused persons/appellants assaulted the informant and his husband due to land dispute between the parties. There is no allegation of abusing the informant by taking her caste name and all the occurrence took



place inside the house not in public place. Hence, no case under SC/ST Act is made out against the appellants. Appellant nos.2, 6, 7, 8, 9 and 10 have got no criminal antecedent and appellant nos.1, 3 & 5 have got one criminal antecedent as mentioned in para-3 of memo of appeal.

8. Learned Spl. PP for the State along with learned counsel for the respondent no.2 opposes the prayer for bail.

9. In the facts and circumstances of the case and the fact that there is no specific overt act against the appellant nos.1, 2, 3, 5, 6, 7, 8, 9 and 10, let the above named appellant nos.1, 2, 3, 5, 6, 7, 8, 9 and 10, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 334 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. Accordingly, the impugned order is set aside and this appeal is partly allowed.

(Anjani Kumar Sharan, J)

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