

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.347 of 2023

Arising Out of PS. Case No.-545 Year-2022 Thana- BELAGANJ District- Gaya

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1. UPENDRA KUMAR YADAV @ UPENDRA YADAV Son of Doman Yadav R/V- Mahadevbigha, P.S- Belaganj, Dist- Gaya
 2. Virendra Yadav @ Birendra Yadav Son of Doman Yadav R/V- Mahadevbigha, P.S- Belaganj, Dist- Gaya
 3. Shubham Yadav @ Shubham Kumar Son of Birendra Yadav R/V- Mahadevbigha, P.S- Belaganj, Dist- Gaya
 4. Niranjana Yadav @ Niranjana Kumar Son of Upendra Yadav R/V- Mahadevbigha, P.S- Belaganj, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Geeta Devi Wife of Vinay Paswan R/V- Mahadevbigha, P.S- Belaganj, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Syed Asgher Najmi
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 13-11-2024 1. Heard learned Counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order, dated 25.11.2022, passed by learned Exclusive Special Judge SC/ST, Gaya, in ABP No. 281 of 2022, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Belaganj Police Station Case No. 545 of



2022 for the offence punishable under Sections 341/323/448/427/379/354(B)/504/34 of the Indian Penal Code and Section 3 (1)(r)(s)(s)(w) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. Learned counsel for the appellant submits that during pendency of this memo of appeal, the appellant nos. 1 and 2 were arrested. Accordingly, he seeks permission to withdraw this application with respect to appellant nos. 1 and 2.
4. Permission is accorded.
5. This application in respect of appellant nos. 1 and 2 is, accordingly, dismissed as withdrawn as having become infructuous.
6. The memo of appeal survives only for the appellant no. 3 and 4.
7. Despite service of notice, no one appears on behalf of respondent no. 2.
8. The prosecution case, as per the First Information Report, is that on 29.09.2022, the appellants, along with accused persons, entered into the house of the informant abused by her caste name and also assaulted her by means of fists



and slaps, danda, etc. It has further been alleged that when the relatives of the informant intervened, they were assaulted by the accused persons. The appellant no. 4 snatched golden jitiya from the informant and the appellant no. 3 took away mobile phone from the house of the informant.

9. Learned counsel for the appellant no. 3 and 4 submits that the occurrence took place due to dispute regarding grazing of paddy crop by the goat of Upendra Kumar Yadav. He next submits that both the appellants and informant are co-villagers and prima facie SC/ST is not attracted inasmuch as the appellants took caste name of the informant not in full public view.

10. Having regard to the submissions advanced on behalf of the appellant nos. 3 and 4 and taking into consideration the fact that both the parties are co-villagers, the occurrence took place on a trivial issue of grazing of crop by the goat and the caste name was not taken in full public view, I am inclined to grant the appellant privilege of anticipatory bail.

11. This appeal is, accordingly, allowed and the order, dated 25.11.2022, passed by learned Exclusive Special Judge,



SC/ST, Gaya, in ABP No. 281 of 2022, is set aside.

12.Let the appellant nos. 3 and 4, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya, in connection with Belaganj Police Station Case No. 545 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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