

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.306 of 2024**

Arising Out of PS. Case No.-333 Year-2023 Thana- RAJPUR District- Buxar

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1. Sonu Yadav Son of Gorakh Yadav
 2. Seema Yadav @ Seema Devi W/o Sonu Yadav
Both are R/o vill - Dubauliya, P.S. - Sikraul, Distt. - Buxar
 3. Geeta Devi W/o Uday Yadav @ Uday Narayan Singh R/o vill - Dhobahi,
P.S. - Rajpur, Distt. - Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhanmuni Devi D/o Satynarayan Ram R/o vill - Kanahari, P.S. - Rajpur,
Distt. - Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun Kumar Gupta, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 05-03-2024 1. The learned counsel for the appellants at the outset seeks permission to withdraw the present appeal with respect to appellant no.1, Sonu Yadav.
2. Permission is accorded.
3. Accordingly, the anticipatory bail application is dismissed as withdrawn as against appellant no.1.
4. Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.
5. The appellants have challenged the order dated 29.11.2023 passed by the learned Additional Sessions Judge, Ist-cum-Special SC/ST (POA) Act, Buxar in connection with



Rajpur P.S. Case No.333 of 2023 instituted for the offences under Sections 147, 448, 323, 504, 506, 420, 406 of the IPC and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby their prayer for grant of anticipatory bail has been rejected.

6. The learned counsel for the appellants submit that appellants are women and a person with clean antecedent and from perusal of the allegation as alleged in the FIR, it would manifest that a purely civil dispute has been given a criminal colour and the informant alleges that she gave Rs.5,00,000/- to the accused persons for purchasing one bigha of land in Raghunathpur Mauza, but the accused persons after taking the money neither registered the land nor returned the money. It is further alleged that all the accused persons came to the house of the informant and started abusing and assaulting her by taking caste name. It is next submitted that the allegation of abuse and assault is general and omnibus in nature. It is also submitted that even presuming what has been alleged is true without admitting, in that event the FIR does not disclose that the occurrence was witnessed by any independent witnesses and the dispute is purely civil.

7. The learned Special P.P. opposes the anticipatory



bail application.

8. Regard being had to the aforesaid submissions, the order dated 29.11.2023 is set aside.

9. The appeal stands allowed.

10. The appellants above named, in the event of their arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on their furnishing bail bonds in the sum of Rs.5,000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ist-cum-Special SC/ST (POA) Act, Buxar in connection with Rajpur P.S. Case No.333 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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