

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2914 of 2024

Arising Out of PS. Case No.-32 Year-2023 Thana- SC/ST District- Bhagalpur

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1. Suman Yadav @ Suman Kumar S/O Bachcha @ Buchay Yadav @ Buchay Prasad R/O Village-Sadpur,P.S.-Sankhund, Distt-Bhagalpur
 2. Mato Yadav S/O Bachcha @ Buchay Yadav @ Buchay Prasad R/O Village-Sadpur,P.S.-Sankhund, Distt-Bhagalpur
 3. Nand Kishore Yadav S/O Bachcha @ Buchay Yadav @ Buchay Prasad R/O Village-Sadpur,P.S.-Sankhund, Distt-Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Janki Devi W/O Narayan Paswan R/O Village and post-Sadpur,P.S.-Sankhund, Distt-Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indeshwari Mandal
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 12-12-2024 1. Heard learned counsel for the appellants, learned counsel for the informant and learned Additional Public Prosecutor for the State.
2. An order, dated 09.05.2024, passed by learned Additional District and Sessions Judge III -cum- Special Judge SC/ST Act, Bhagalpur, in ABP No. 915 of 2024, 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 Bhagalpur SC/ST Police Station Case No. 32 of 2023 registered for the offence punishable under Sections 341/323/324/354B/379/337/307/427/448/504/506/34 of the Indian Penal Code and Sections 3 (1)/3(1)(q)/3(1)(t)/3(1)(w)/3(2)(va)/3(V) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on on 13.12.2023, in the morning, the informant's neighbors i.e. the appellants entered into the house armed with lathi, iron rod, etc. and abused the informant by her caste name. The appellant no. 2 assaulted informant's son by means of iron rod on his head with intention to kill him. It has further been alleged that when the daughter-in-law of the informant intervened, co-accused Shankar Yadava and Rupesh Yadav pulled her on the ground and assaulted her by fists and slaps.
4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case due to land dispute between the parties inasmuch as the informant filed a Misc. Case No. 10 of 2023-24 before the Land Reforms Deputy Collector, Bhagalpur, and



appellant no. 2 has also filed Misc. Case No. 100 of 2023-24 for cancellation of mutation before the Additional Collector, Bhagalpur. He next submits that injury caused to the son of the informant is simple in nature.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that there is specific allegation of abuse by caste name and assault upon son of the informant by appellant no. 2 due to which he sustained injury.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are neighbours, there is long standing land dispute between the parties, cases between them are also pending, injury caused to the informant's son is simple in nature and caste name was not taken in full public view, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 09.05.2024, passed by learned Additional District and Sessions Judge III -cum- Special Judge SC/ST Act, Bhagalpur, in ABP No. 915 of 2024, is set aside.
8. Let the appellants, 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 Additional District and Sessions Judge III -cum- Special Judge SC/ST Act, Bhagalpur, in connection with Bhagalpur SC/ST Police Station Case No. 32 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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