

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5090 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- SC/ST District- Bhagalpur

-
-
1. Mukesh Yadav @ Mukesh Kumar Yadav S/O Ganesh Yadav Village- Sawaiya, Ps. Ishipur Barahat, Dist. Bhagalpur
 2. Sikandar Yadav S/O Shital Yadav @ Sheetal Yadav Village- Sawaiya, Ps. Ishipur Barahat, Dist. Bhagalpur
 3. Jogendra Yadav S/O Shital Yadav @ Sheetal Yadav Village- Sawaiya, Ps. Ishipur Barahat, Dist. Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajina Hasda W/O Virendra Soren Village- Manikpur, Ps. Ishipur Barahat, Distt. Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar Jha
For the State : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-11-2024 Heard learned counsel for the appellant and learned Special P.P. for of the State. Despite valid service of notice, nobody appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated 03.10.2023 passed by learned A.D.J.-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Bhagalpur SC/ST P.S. Case No. 16 of 2023, registered under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code and Section 3(1)(r) (s)/3(2)(Va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”), whereby



the prayer for anticipatory bail of appellants has been rejected.

3. As per the FIR, on 28.05.2023 at about 9 AM, an altercation took place between the parties over the throwing of dung on the land in question, in which, it is alleged that all the accused persons including these appellants abused her by caste name and thereafter, assaulted informant and her family members.

4. Learned counsel for the appellant submits that the land in question is in peaceful possession of the appellants, which they have purchased from co-sharer, but informant wants to grab the land forcefully, in which a simple Maarpeet took place. Learned counsel further submits that date of incident is 28.05.2023 but FIR has been lodged on 11.06.2023 and there is no plausible explanation of delay. He further submits that it is not the case of the informant that at the time of alleged occurrence, any public was present and as such, no case under the SC/ST Act is made out. There is general and omnibus allegation.

5. Learned Spl. Public Prosecutor for the State vehemently opposes the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 03.10.2023 is, hereby,



set aside, so far as these appellants are concerned, and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of arrest or surrender within a period of eight weeks from today, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Bhagalpur SC/ST P.S. Case No. 16 of 2023.

(Prabhat Kumar Singh, J)

anay/-

U		T	
---	--	---	--

