

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5528 of 2023

Arising Out of PS. Case No.-153 Year-2023 Thana- TANKUPPA District- Gaya

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1. Rambalak Yadav Son of Indradev yadav Resident of Village - Utli Bara, Police Station- Tankuppa, District- Gaya.
 2. Lalu Kumar Son of Rambalak yadav Resident of Village - Utli Bara, Police Station- Tankuppa, District- Gaya.
 3. Chhotu Kumar Son of Rambalak Yadav Resident of Village - Utli Bara, Police Station- Tankuppa, District- Gaya.
 4. Mintu Kumari @ Minta Kumari Daughter of Rambalak yadav Resident of Village - Utli Bara, Police Station- Tankuppa, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Indu Kumari Wife of Shrawan Das Resident of Village - Utli Bara, Police Station- Tankuppa, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 10-12-2024 1. Heard learned counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order, dated 09.11.2023, passed by learned Exclusive Special Judge SC/ST Special Court, Gaya, in ABP No. 373 of 2023, 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 Tankuppa Police Station Case No. 153



of 2023 registered for the offence punishable under Sections 354C/147/149/341/447/323/504/506 of the Indian Penal Code and Section 3 (1)(r)(s) 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 while the informant was sitting at her home along with her family members, the appellants started showing bad gesture against the informant. Upon protest, all the accused persons, armed with lathi, danda, bricks, started abusing and assaulting the informant and her family members.
4. Learned counsel for the appellants submits that from perusal of the First Information Report, it would be evident that there was no intention on the part of the appellants to humiliate the informant and her family members by their caste name. He further submits that earlier, the mother-in-law of the informant had lodged First Information Report, bearing Tankuppa Police Station Case No. 09 of 2021 against the appellant nos. 1 and 2 and the reason behind the occurrence was that a piece of land, belonging to the government, was occupied by the



side of the informant and upon objection being made by the appellants, the false case has been lodged. The First Information Report, bearing Tankuppa Police Station Case No. 152 of 2023, has also been lodged by the appellant no. 1 against the informant and other, which is prior in time to the present First Information Report.

5. On the other hand, learned Special Public Prosecutor for the SC/ST Act opposes the prayer for anticipatory bail of the appellants and submits that in First Information Report, lodged by the mother-in-law of the informant in which appellant nos. 1 and 2 are accused, the bail of appellant no. 1 has been cancelled by learned Special Court. He next submits that there is direct allegation of assault upon the appellants with an intention to kill the husband of the informant.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation made in the First Information Report and the fact that the parties are on litigating terms for last many years due to prolong dispute, I am inclined to grant the appellants privilege of anticipatory bail except appellant no. 1, whose bail bond, in other bail application, has



already been cancelled.

7. This appeal in respect of appellant no. 1 is rejected.
8. In so far as appellant nos. 2, 3 and 4 are concerned, this appeal in their respect is, accordingly, allowed and the order, dated 09.11.2023, passed by learned Exclusive Special Judge, SC/ST Special Court, Gaya, in ABP No. 373 of 2023, is set aside.
9. Let the appellant nos. 2, 3 and 4, Lalu Kumar, Chhotu Kumar and Mintu Kumari @ Minta Kumari, respectively, 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 Special Court, Gaya, in connection with Tankuppa Police Station Case No. 153 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.
10. However, it is made clear that if the appellant no. 1, namely, Rambalak Yadav, surrenders and seeks regular bail, the same shall be considered on its own merit, without being prejudiced to the fact that this Court has



rejected the anticipatory bail application of the appellant
no. 1.

(Anil Kumar Sinha, J)

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