

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.277 of 2025

Arising Out of PS. Case No.-266 Year-2023 Thana- VIJAYEPUR District- Gopalganj

1. Arjun Yadav Son of Late Suresh Yadav Resident of village- Mathiya PS- Vijaipur District -Gopalganj
2. Akhilesh Yadav @ Akhilesh Kumar Yadav son of Lal Bachan Yadav Resident of village- Mathiya PS- Vijaipur District -Gopalganj
3. Munna Yadav @ Dharmendra Yadav son of Tulsi Yadav Resident of village- Mathiya PS- Vijaipur District -Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Dewani Devi Wife of Sudhiram Rain village- Mathiyapar, Ps- Vijaipur, Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dharmveer

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 20-11-2025 Heard the parties.

2. This appeal is preferred against the order dated 29.10.2024 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in ABP No. 2110 of 2024 in connection with Vijaipur P.S. Case No. 266 of 2023 registered for the offence under Sections 341, 323, 354(A), 504, 506, 509, 34 of the Indian Penal Code and under section 3 (2v) (a) / 3(i)(r)(s) of S.C/S.T. (POA) Act by which anticipatory bail filed by the appellants has been rejected.

3. As per the prosecution case, for a trivial dispute, the



appellants are said to have assaulted the prosecution side and have abused by taking caste name.

4. Learned counsel for the appellants submits that the appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case and the present FIR is counter blast to the FIR bearing Vijaipur P.S. Case No. 27 of 2022 which was filed by the appellant side on the informant side, therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State has opposed the prayer of the appellant.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears that the present FIR has been lodged to wreak vengeance upon the appellant side and therefore, this application for grant of anticipatory bail is held to be maintainable.

7. Considering the facts of the case and the rival submissions of the order dated 29.10.2024 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in ABP No. 2110 of 2024 in connection



with Vijaipur P.S. Case No. 266 of 2023, is hereby set aside.

8. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj/concerned Court below in connection with Vijaipur P.S. Case No. 266 of 2023, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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