

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.603 of 2024

Arising Out of PS. Case No.-631 Year-2023 Thana- BELAGANJ District- Gaya

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1. Sanjay Yadav Son of Late Ruplal Yadav R/o vill - Bahbalpur, P.S. - Belaganj, Distt. - Gaya
 2. Chanarik Yadav Son of Late Hemraj Yadav R/o vill - Bahbalpur, P.S. - Belaganj, Distt. - Gaya
 3. Nathun Yadav @ Nathu Yadav Son of Late Hemraj Yadav R/o vill - Bahbalpur, P.S. - Belaganj, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Gyani Manjhi Son of Late Medi Manjhi R/o vill - Kurisaray, P.O. - Samaspur Panchayat Bhalua I, P.S. - Belaganj, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Sanjay Sharma, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-08-2025 Heard learned counsel appearing for the appellants, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 04.12.2023 passed in a case registered for the offence punishable under Sections 147, 149, 385, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.



3. The prosecution case, in short, is that on 18.09.2023 at about 12PM, all the F.I.R. named accused persons, including these appellants, armed with *lathi* and *danda*, abused informant by caste name, tried to beat him and threatened with dire consequences.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, on the alleged date and time of occurrence, on account of land dispute between the parties for which a title suit bearing Title Suit No. 03 of 2023 is pending, a verbal duel took place between the parties and taking advantage of the situation, this false and concocted case has been lodged. There is no specific allegation of assault against these appellants. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed this appeal.



6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 04.12.2023 passed by the learned Exclusive Special Judge (SC/ST Act) Special Court, Gaya in connection with A.B.P. No. 392 of 2023 arising out of Belaganj P.S. Case No. 631 of 2023 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 Act) Special Court, Gaya in connection with Belaganj P.S. Case No. 631 of 2023.

(Prabhat Kumar Singh, J)

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