

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.475 of 2024**

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

1. Ramesh Yadav Son of Late Shivji Yadav R/o vill - Jadopur Dukhaharan, P.s. - Jadopur, Distt. - Gopalganj
2. Dinanath Yadav Son of Late Shivji Yadav R/o vill - Jadopur Dukhaharan, P.s. - Jadopur, Distt. - Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Prahalad Manjhi Son of Late Bhoj Manjhi R/o vill - Jadopur Dukhaharan, P.s. - Jadopur, Distt. - Gopalganj

... .. Respondent/s

**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Appellants   | : | Mr. Sumit Kumar, Advocate        |
| For the State        | : | Mr. Sadanand Paswan, Spl.PP      |
| For Respondent No. 2 | : | Mr. Lokesh Kumar Singh, Advocate |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      31-07-2025                      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 02.08.2023 passed in a case registered for the offence punishable under Sections 341, 323, 307, 354B, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(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. As per prosecution case, assertion of right, title and possession over a piece of land by both the parties led to *maar-peat*. It is alleged that all the F.I.R. named accused persons, including these appellants, encroached 6.5 bigha land of the informant by constructing house on it and on protest, all of them abused informant by caste name and assaulted informant and his sister-in-law.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As per F.I.R., the alleged incident took place on 01.03.2023 and the complaint petition was lodged after inordinate delay of 25 days on 26.03.2023 and there is no reasonable explanation for the delay which itself makes the entire prosecution case doubtful. It is further submitted that from bare perusal of the F.I.R. it is apparent that the dispute arose between the parties due to land dispute which led to the alleged incident. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged 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, delay in lodging of the complaint petition, general and omnibus nature of accusation and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 02.08.2023 passed by the learned XI, Additional Sessions Judge-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with A.B.P. No. 1902 of 2023 arising out of Gopalganj SC/ST P.S. Case No. 32 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 XI, Additional Sessions Judge-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with



Gopalganj SC/ST P.S. Case No. 32 of 2023.

**(Prabhat Kumar Singh, J)**

shashank/-

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