

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.718 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- SC/ST District- Madhepura

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1. BABLU YADAV S/O BIHARI YADAV R/O VILLAGE- KOLAHAPATTI, WARD NO. 5, P.S- MURLIGANJ, DISTT.- MADHEPURA.
 2. BIHARI YADAV S/O KAMLESHWARI YADAV R/O VILLAGE- KOLAHAPATTI, WARD NO. 5, P.S- MURLIGANJ, DISTT.- MADHEPURA.
 3. SONI DEVI W/O BABLU YADAV R/O VILLAGE- KOLAHAPATTI, WARD NO. 5, P.S- MURLIGANJ, DISTT.- MADHEPURA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. RINKU DEVI W/O MITHILESH RAJAK R/O VILLAGE- KOLAHAPATTI, WARD NO. 5, P.S- MURLIGANJ, DISTT.- MADHEPURA.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dhaneshwar Prasad Gupta, Advocate
For the Respondent/s	:	Ms. Pooja Prasad, Advocate
For the State	:	Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-07-2025 Vide order dated 11.03.2024, the appeal with respect to appellant No.1, Bablu Yadav has already been dismissed as withdrawn.

2. Heard Mr. Dhaneshwar Prasad Gupta, learned counsel for the appellant Nos.2 and 3, Ms. Pooja Prasad, learned counsel for the informant and Mr. Binay Krishna, learned Spl.P.P. for the State.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated



05.01.2024 passed by the learned Court of 1st Additional Sessions Judge cum Special Judge SC/ST Act, Madhepura in connection with Madhepura SC/ST P.S. Case No.27 of 2023, F.I.R. dated 13.10.2023 registered under Sections 341, 323, 354, 325, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i) (s) (w)/3 (I) (V) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, on 13.10.2023, the informant reported that on 05.10.2023 at 8 PM, Bablu Yadav, Bihari Yadav, Soni Devi, Kaushal Yadav, and Kori Yadav came to her house armed and abused her using caste-based slurs. When she protested, Bablu Yadav assaulted her, causing swelling. Her son Ajay Kumar and brother-in-law Rajesh Rajak intervened, and Bihari Yadav attacked with an iron rod, fracturing a hand. Soni Devi also snatched her anklet. The dispute arose because Bablu Yadav's son had withdrawn ₹1,800 from her son's mobile account.

5. Learned counsel for the appellants submits that the appellants have clean antecedent, they are innocent and they have falsely been implicated in the present case. The date of occurrence, as alleged in the F.I.R. is 05.10.2023 but the present F.I.R. has been instituted on 13.10.2023, after delay of about 8



days, without giving any explanation of delay. As per allegation in the F.I.R., the appellant No.2 namely Bihari Yadav, assaulted the brother-in-law of the informant, namely, Rajesh Rajak by means of iron rod on his hand but there is no injury report available on record which suggests that said Rakesh Rajak has not received any injury. Apart from that there is no specific allegation of any assault or overt act attributed against appellant No.3, namely, Soni Devi rather the allegation against her is that she had snatched the payal from the informant, which suggests that the allegation against appellant No.3, namely, Soni Devi is ornamental in nature.

6. Learned Special Public Prosecutor for the State as well as learned counsel for the informant have vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R. and there is specific allegation against co-accused person, namely, Bablu Yadav, that he assaulted to the informant.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances, the appellants have clean antecedent, the F.I.R. has been



instituted after delay of 8 days, there is no injury report available on record and apart from that, the occurrence has taken place at the house of the informant, hence, no provision is made out against the appellants under the SC/ST Act, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory 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 Court of 1st Additional Sessions Judge cum Special Judge SC/ST Act, Madhepura in connection with Madhepura SC/ST P.S. Case No.27 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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