

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.691 of 2025

Arising Out of PS. Case No.-166 Year-2024 Thana- SINGHESHWAR District- Madhepura

1. Raja Kumar Son of Pradip Yadav Resident of Village- Sukhasan, Ward No. 4, P.S.-Singheshwar Distt.- Madhepura
2. Shatrudhan Yadav Son of Bauku Yadav Resident of Village- Sukhasan, Ward No. 4, P.S.-Singheshwar Distt.- Madhepura
3. Alok Kumar Son of Hari Narayan Yadav Resident of Village- Sukhasan, Ward No. 4, P.S.-Singheshwar Distt.- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Jiwachh Rishidev Son of Late Sitaram Rishidev Resident of Village- Sukhasan, Ward No. 4, P.S.-Singheshwar, Distt.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Uday Chand Prasad, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, SPP
For the Resp. No.2	:	None

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 13-11-2025 Heard the parties. Despite valid service of notice upon the respondent no.2, no one has appeared on his behalf.

2. This appeal is preferred against the order dated 25.10.2024 passed by learned Additional Sessions Judge, 1st -cum- Special Judge, SC/ST Act, Madhepura in connection with Singheshwar P.S. Case No. 166 of 2024 registered for the offence under Sections 147, 341, 323, 324 of the I.P.C. and under sections 3(i) (s) (r)(v)(a) of S.C/S.T. (POA) Act by which anticipatory bail filed by the appellants has been rejected.

3. As per the prosecution case, because of the land



dispute between two neighbours, the occurrence has taken place and the parties have fought.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out as for a trivial dispute arising out of land dispute, this false and fabricated case has been lodged against the appellants. Therefore, the application of the anticipatory bail is maintainable.

5. Learned counsel for the State has vehemently opposed the prayer of the appellants.

6. From reading of the entire FIR, it does not appear that the offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears that dispute over the land has been given colour of criminal case and such type of mala fide prosecution cannot be allowed to continue, 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 parties, this appeal is allowed and accordingly, the order dated 25.10.2024 passed by learned Additional Sessions Judge, 1st -cum- Special Judge, SC/ST Act,



Madhepura, 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, 1st -cum- Special Judge, SC/ST Act, Madhepura/concerned Court below in connection with Singheshwar P.S. Case No. 166 of 2024, 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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