

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.675 of 2025

Arising Out of PS. Case No.-176 Year-2024 Thana- VISHNUPAD District- Gaya

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1. Anamika Devi @ Sumila Devi Wife of Raju Yadav @ Raj Kumar Yadav Resident of village- Khatakachak, P.S.- Vishnupad, District- Gaya.
 2. Bal Ram Yadav @ Bal Ram Kumar Yadav S/O Kailash Yadav Resident of Village- Gamhariya, P.S.-Dobhi, District- Gaya. At present address- Khatkachk Masanpur, P.S. - Vishnupad, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nand Kishor Paswan S/o Late Dil Chandra Paswan @ Dil Chand Paswan R/o Village- Masanpur, Kapildhara, P.S.- Vishnupad, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sunil Kumar Yadav
For the Respondent/s	:	Mr. Sadanand Paswan- Spl.P.P.
		Ms. Shubhangi Pandey
		Mr. Anand Vardhan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 16-09-2025 1. Heard the learned counsel for the appellants, the learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the respondent no.2.

2. The appellants have challenged the order dated 08.01.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in connection with Vishnupad P. S. Case No.176 of 2024, instituted for the offences under Sections 147, 149, 341, 323, 504, 506, 384, 379, 427, 188 of the Indian Penal Code and Sections 3(i)(r),3(i)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby



their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that appellants have antecedent of one case and appellant no.1 is a woman and appellant no.2 is nephew of appellant no.1. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to a piece of land, the occurrence is alleged to have taken place. It is next submitted that in sum and substance, the informant alleges that she had gone for morning walk when she saw the accused persons including the appellants uprooting the cemented pillar from her land, on objection, she was abused and assaulted.

4. The learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that though the informant in the FIR alleges that in the morning walk, she saw the accused persons including the appellants uprooting the cemented pillar, but then, the FIR does not even remotely suggest that the occurrence was witnessed by anyone else apart from the informant. It is also submitted that informant has not given the description of the land which she claimed belongs to her from which the cemented pillar were uprooted. It



is also submitted that land in dispute was purchased by the side of the appellants from the grandfather of the informant vide a sale deed dated 08.02.1978 and as such, the informant is disputing, but then, it is submitted that since the sale deed was executed by the grandfather of the informant in favour of the appellants and their side and if informant is aggrieved by the said fact, in that event, the informant should approach a Court of competent civil jurisdiction for getting the sale deed cancelled, but instead of approaching a Court of competent civil jurisdiction the instant false criminal case has been instituted to coerce the appellants into submission.

5. The learned Special P. P. as well as the learned counsel appearing on behalf of the respondent no.2 opposes the appeal, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that the occurrence was not witnessed by anyone apart from informant and informant has not given the description of the land from which it is being alleged that the cemented pillars were uprooted.

6. Regard being had to the aforesaid submissions, the order dated 08.01.2025 is set-aside.

7. The appeal stands allowed.



8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in connection with Vishnupad P. S. Case No.176 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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