

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.820 of 2025**

Arising Out of PS. Case No.-1327 Year-2024 Thana- NAWADA District- Nawada

Ramdev Yadav @ Ramdeo Prasad Son of Late Badri Yadav Resident of
Village- Mangar Bigha, Police Station- Town Thana District- Nawada (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rajesh Rajvanshi Son of Late Prabhu Rajvanshi Resident of Jangal
Beldariya, Budhoul, P.S.- Nawada (Town), Distt.- Nawada (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Awadhesh Kumar
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 15-05-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 10.02.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Nawada in connection with Nawada Town (Nagar) P.S. Case No. 1327/2024 dated 11.11.2024 registered for the offence/s punishable u/s 126(2), 115(2), 351(2), 352, 324(5) and 303(2) read with Section 3(5) of the B.N.S. and Sections 3(1)(r) (s) of the SC/ST Act.



3. As per the prosecution case, the informant was constructing a boundary wall on his land. On 11.11.2024 at around 12:00 P.M., the appellant and the co-accused persons came holding *khanti*, *kudal* and started abusing and breaking the boundary wall. In the meantime, the appellant by calling caste name started abusing and threatened that he would kill them and the appellant would not allow them to build a wall. Thereafter, the co-accused Akhilesh Yadav started assaulting the informant and the co-accused, Kamla Yadav caught the informant's wife and slammed her on the ground and assaulted her with fist. Other accused also assaulted the informant's children. Rohit Yadav forcibly took away the gold chain from the neck of the informant's wife. While leaving the accused persons threatened the informant that if they would again try to construct boundary wall then they would kill the whole family.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. There is a land dispute between the parties. There is general and omnibus allegation against the appellant. Learned counsel has further submitted that no particular caste name has been called by the appellant hence



no case is made out under SC/ST Act. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 31.01.2025.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 10.02.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Nawada in connection with Town (Nagar) P.S. Case No. 1327/2024 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Nawada in connection with Town (Nagar) P.S. Case No. 1327/2024.

(Chandra Prakash Singh, J)

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