

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.948 of 2025

Arising Out of PS. Case No.-445 Year-2024 Thana- CHANDAUTI District- Gaya

1. Dilkeshwar Yadav S/O Bhunar Yadav R/O Vill.- Deguna, P.S.- Chandauti, Dist.- Gaya.
2. Rakesh Yadav @ Rameshwar Yadav Son of Bhudhlal Yadav R/O Vill.- Deguna, P.S.- Chandauti, Dist.- Gaya.
3. Yamuna Yadav Son of Bhudhlal Yadav R/O Vill.- Deguna, P.S.- Chandauti, Dist.- Gaya.
4. Jitendra Yadav @ Jitendra Kumar Son of Bhudhlal Yadav R/O Vill.- Deguna, P.S.- Chandauti, Dist.- Gaya.
5. Krishan Yadav @ Krishna Yadav Son of Bhudhlal Yadav R/O Vill.- Deguna, P.S.- Chandauti, Dist.- Gaya.
6. Bilendra Yadav @ Birendra Yadav S/O Chotu Yadav R/O Vill.- Deguna, P.S.- Chandauti, Dist.- Gaya.
7. Bindu Kumar @ Shavi Kumar S/O Kail Yadav R/O Vill.- Deguna, P.S.- Chandauti, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Seema Kumari W/O Mithilesh Paswan R/O Vill.- Deguna, P.S.- Chandauti, Dist.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S.K. Lal, Sr. Advocate
	:	Mr. Pritish Kumar Lal, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 14-11-2025 Heard learned Senior counsel for the appellants and
learned Special Public Prosecutor for the State.

2. Despite appearance being filed on behalf of the
respondent no.2 none appears and this Court has been informed
that on the previous occasion also none has appeared on behalf
of the respondent no.2, hence the matter is being heard in the



presence of Spl.PP for the State.

3. 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 anticipatory bail vide order dated 06.02.2025 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in connection with Chandauti P.S. Case No. 445 of 2024 registered under Sections 190, 191(2), 115(2), 126(2), 74, 127(2), 109, 351(2), 352 and 303(2) of the Bhartiya Nyaya Sanhita and Sections 3(1)(s) and 3(1)(r) of the SC/ST Act.

4. The case of the prosecution is that while a birthday part was being celebrated at the house of the informant, the appellants indulged in abusing by using caste names and when the husband of the informant objected, he along with other family members were assaulted.

5. Learned Senior counsel for the appellants submits at the outset that the incident has taken place inside the house of the informant as alleged in the first information report and it has also not been specified as to what kind of caste based abuse was used rather general and omnibus allegation has been levelled in order to increase the seriousness of the allegation. It is further



submitted that with regard to the same incident a counter case was filed on behalf of the appellants which is Annexure-2 to the present memo of appeal and as a matter of fact, free fight took place between the parties on account of which both sides suffered injuries, the injury reports of informant's side being annexed as Annexure-3 while injury report of the appellants' side have been annexed as Annexure-4, which indicates grievous injuries and injuries being dangerous to life. It has been further submitted that there are general and omnibus allegations of assault and no offence under Section 109 B.N.S. would be made out in the facts of the case as also in view of the fact that most of the injuries are simple in nature but for one grievous injury suffered by Pintu Kumar and that too on non-vital part of the body, hence there was no intention to cause any serious injury or to kill anyone.

6. Learned Spl. PP for the State opposed the grant of anticipatory bail on the basis of allegation made in the first information report.

7. Considering the fact that the incident took place inside the house of the informant, there does not seem to be a public view of the occurrence and moreover, in the background of the case and counter case, the provisions of SC/ST *prima*



facie do not seem to get attracted.

8. Taking into account the facts and circumstances of the case and also considering that there is case and counter case and injuries have been suffered by both the sides and injury on the side of the appellants is also dangerous to life, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten 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 Chandauti P.S. Case No. 445 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of the B.N.S.S.

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

(Soni Shrivastava, J)

anand/-

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