

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1177 of 2024

Arising Out of PS. Case No.-596 Year-2023 Thana- SHERGHATI District- Gaya

Yamuna Yadav Son Of Late Maksudan Yadav @ Late Masudan Yadav
Resident Of Village - Dumari, P.S. - Cherki, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Pinky Devi Wife Of Gurudev Chaudhary Resident Of Village - Bajaura,
Shivratipur, P.S. - Dobhi, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Praveen Kumar, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-08-2025 Heard Mr. Praveen Kumar, learned counsel for the

appellant and Mrs. Usha Kumari 1, learned Special Public

Prosecutor for the State.

2. Despite the entered appearance of respondent no. 2,
no one appears on behalf of respondent no. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
08.01.2024 passed by the learned Exclusive Special Judge,
SC/ST Court, Gaya in connection with Sherghatti P.S. Case No.
596 of 2023, F.I.R. dated 07.06.2023 registered under Sections
341, 323, 406, 420 of the Indian Penal Code and Sections 3(i)(r)
(s)(w) of the Scheduled Castes and Scheduled Tribes Act.



4. According to the prosecution case, the appellant along with other co-accused persons is said to have abused the informant by taking her caste name and also assaulted her.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. It appears from the FIR itself that the present matter is pertinent to land dispute. Although, the appellant is named in the FIR but the specific allegation of abusing by taking caste name has been attributed against the co-accused, namely, Basanti Devi. He further refers to paragraph no.18 of the judgment reported in **(2020) 10 SCC 710 (Hitesh Verma vs. State of Uttarakhand & Anr.)** which is quoted hereinbelow:-

“Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or ScheduledTribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land.

6. The allegation of hurling of abuses is against a person who claims title over the property. If such person



happens to be a Scheduled Caste, the offence under Section 3(1) (r) of the Act is not made out.”

7. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

8. 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.

9. Considering the facts and circumstances of the case that the appellant has clean antecedent, there is no specific allegation against the appellant and the background of present case is land dispute, let the appellant, above named, in the event of his arrest to 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Court, Gaya in connection with Sherghatti P.S. Case No. 596 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. Appellant 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 appellant tampers 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 appellant and in case at any stage it is found that the appellant has 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.

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

(Rajesh Kumar Verma, J)

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