

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1162 of 2024**

Arising Out of PS. Case No.-593 Year-2023 Thana- DINARA District- Rohtas

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1. RAKESH YADAV Son of Rajbali Singh Resident of Village-Mathiya Tenurath, P.S.-Dinara, District-Rohtas.
  2. AYODHYA SINGH @ AYODHYA YADAV Son of Shyam Narayan Singh Resident of Village-Gaura, P.S.-Dinara, District-Rohtas.
  3. SHYAM NARAYAN @ SHYAM NARAYAN YADAV Son of Late Rampyar Singh Resident of Village-Gaura, P.S.-Dinara, District-Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. SARITA DEVI Wife of Ajay Paswan Resident of Village-Gaura, P.S.-Dinara, District-Rohtas.

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s | : | Ms. Dimpal Kumari, Advocate                                     |
| For the State       | : | Mr. Binay Krishna, Spl.P.P.                                     |
| For the Resp. No. 2 | : | Mr. Surendra Kumar Mishra, Advocate<br>Mr. Shashikant, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      12-08-2025                      Heard Ms. Dimpal Kumari, learned counsel for the appellants, Mr. Binay Krishna, learned Special Public Prosecutor for the State and Mr. Surendra Kumar Mishra, learned counsel for the respondent no. 2.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 31.01.2024 passed by the learned A.D.J-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Dinara P.S. Case No. 593 of 2023, F.I.R. dated 09.12.2023



registered under Sections 376, 511, 354(C), 307, 341, 323, 34 of the Indian Penal Code and Sections 3(i)(r)(w) of the Scheduled Castes and Scheduled Tribes (POA) Act.

3. According to the prosecution case, all the FIR named accused persons including the appellants are said to have committed bad with the informant. When her husband went to the appellants to enquire about the matter, they assaulted and abused him by taking caste name.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the FIR is in two parts. In first part, there is direct and specific allegation against co-accused person, namely, Pappu Yadav that he has abused the informant and in second part, it is stated that when family members of the informant went to the house of the appellants, then appellants have abused them which suggests that the occurrence has taken place in the house of the appellants, so, no case is made out under SC/ST Act against the appellants. Apart from that there is no specific allegation of any assault or overt act attributed against these appellants.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor



for the State have vehemently opposed the prayer for bail of the appellants.

6. 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.

7. Considering the aforesaid facts and circumstances, the appellants have clean antecedent and as per second part of the FIR, the occurrence has taken place in the house of the appellants, so, no case is made out against the appellants under SC/ST Act, let the appellants, above named, in the event of their 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) each with two surities of the like amount each to the satisfaction of learned A.D.J.-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Dinara P.S. Case No. 593 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. Appellants 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants 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 appellants and in case at any stage it is found that the appellants have concealed their 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.

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

**(Rajesh Kumar Verma, J)**

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