

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1108 of 2025

Arising Out of PS. Case No.-25 Year-2024 Thana- SC/ST District- Bhojpur

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Lal Babu Yadav @ Lal Kishore Yadav S/O Madhav Yadav Village and PO-
Suhiyan, P.S.- Shahpur, District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Ritu Devi W/O Bablu Kumar, D/O Suresh Ram Village and PO- Suhiyan,
P.S.- Shahpur, District- Bhojpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bibhakar Tiwary
For the Respondent/s : Mr. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 14-11-2025 1. Heard Mr. Bibhakar Tiwary, learned counsel for the

appellant, learned Special Public Prosecutor representing the

State and learned counsel appearing on behalf of the first

informant / respondent no.2.

2. This Criminal appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2015 has been preferred by the appellant against
the order dated 22.01.2025 passed by the Court of Additional
Sessions Judge-I-cum-Special Judge, SC/ST, Bhojpur, Ara in
ABP No. 3329 of 2024, in connection with Bhojpur SC/ST P.S.
Case No. 25 of 2024, registered for the offences punishable
under Sections 323/341/420/467/468/471/504/506/34/120B of



the Indian Penal Code along with Sections 3(2)(va)/3(1)(r)/3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 whereby the prayer for Anticipatory bail of the appellant has been rejected.

3. Brief facts of the case, which are required to be stated are that the appellant and others are alleged to have cheated the informant. It is stated that complainant and her father paid a sum of Rs. 4,50,000/- in advance for purchase of land in question and remaining Rs. 50,000/- was to be paid for getting the sale deed registered. However the accused prepared the forged documents, therefore complainant and her father mounted pressure for return of their money. Then Ajay Kumar gave a cheque for Rs.50,000/- but on presenting the same in bank, same bounced. When the informant and her father demanded their money, the accused hurled casteist slur and threatened to kill them and refused to return their money.

4. It is argued by learned counsel for the appellant that appellant has been falsely implicated in this case. The main allegation of the complainant is that she had given a sum of Rs. 4,50,000/- for purchase of land in question through appellant Lal Babu Yadav whereas in the F.I.R, it has not been disclosed by the complainant that to whom she has given the said amount



of Rs. 4,50,000/-. It has also not been disclosed by the complainant that what was mode of making said payment. He further submits that even the alleged cheque of Rs. 50,000/- was also not issued by the appellant and there is no material on record to indicate any concern of the appellant in the said transaction except oral allegations. In addition to above submissions, it is also submitted that even considering the facts and circumstances of the case in totality, it is a case of civil dispute. So far as allegation of the complainant that when she demanded money, she was threatened and insulted by the accused persons using caste derogatory words is concerned, it is submitted that it has also not been clearly mentioned in the F.I.R. that said act was done in public view. Hence, no *prima facie* case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 is made out against the appellant. The impugned order passed by learned Court below rejecting the anticipatory bail application of the appellant is not sustainable. Appellant has no criminal history to his credit. Pursuant to F.I.R. of this case, the appellant has apprehension of imminent arrest. Lastly, it is submitted that in case the appellant is granted anticipatory bail, he would not misuse the liberty and cooperate with the investigation.



5. Learned Special Public Prosecutor as well as learned counsel for the Respondent No. 2 opposed the prayer for grant of anticipatory bail to the appellant in the light of the allegations levelled in the F.I.R., but they could not dispute the factum of the case as argued on behalf of the appellant. They also submit that as on date there is no material on record to presume the false implication of the appellant. Considering the prosecution case, cognizable offence is made out against the appellant.

6. So far as provisions of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 relating to maintainability of this appeal is concerned, it is relevant to mention that in the light of judgment of the Hon'ble Supreme Court in the case of ***Prathvi Raj Chauhan Versus Union of India and Others (2020) 4 SCC 727***, aforesaid Section 18 of SC/ST Act does not create absolute bar in granting anticipatory bail and if *prima facie* offence under the scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 is not made out, the anticipatory bail can be granted to the accused, hence this appeal under Section under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 is held to be maintainable.

7. Having heard the learned counsel for the parties, I find



that the case is purely civil in nature and it appears that the alleged incident of abusing and threatening by using casteist slur has not taken place in public view. The allegations made in the F.I.R. against the appellant appears to be vague and without relevant details. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of anticipatory bail to the appellant.

8. Looking to the overall facts and circumstances of the case, submissions of learned counsel for the parties as noted above, reasonable apprehension of arrest of the appellant, taking into consideration the gravity of offence, nature of accusation and there being no possibility of his fleeing away from justice, this Court is of the view that in the light of guidelines laid down by the Hon'ble Apex Court in the case of **Sushila Aggarwal vs State (NCT of Delhi), (2020) 5 SCC 1**, *prima facie* the appellant has made out a case for grant of anticipatory bail, hence the impugned order is liable to be set-aside and the appeal is liable to be allowed.

9. In view of the above, the impugned order dated 22.01.2025 passed by the Court of Additional Sessions Judge-I-cum-Special Judge, SC/ST, Bhojpur, Ara in ABP No. 3329 of 2024 rejecting the anticipatory bail application of the appellant



is hereby set-aside.

10. Accordingly, it is directed that in the event of arrest or surrender of the appellant above-named within three weeks from today in the aforesaid case, he shall be released on anticipatory bail on his furnishing bail bonds of Rs. 10,000/- with two sureties each in the like amount to the satisfaction of the concerned Court below in connection with the aforesaid case, subject to condition conditions laid down under Section 438(2) of the Code of Criminal Procedure / 482 (2) of the BNSS.

11. With the aforesaid observations and directions, this Criminal appeal stands allowed.

(Sanjay Kumar Singh , J)

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