

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1330 of 2024

Arising Out of PS. Case No.-494 Year-2023 Thana- HISUWA District- Nawada

1. RANJIT KUMAR @ RANJIT YADAV S/O- SHIVNATH YADAV @ SHIV NATH PRASAD R/O- CHIRANGHATI, P.S.- HISUA, DIST.- NAWADA
2. SHIVAM KUMAR @ SHIVAM YADAV S/O- CHOTE YADAV R/O- CHIRANGHATI, P.S.- HISUA, DIST.- NAWADA
3. NEERAJ KUMAR @ NIRAAZ KUMAR S/O- GUDDU YADAV R/O- CHIRANGHATI, P.S.- HISUA, DIST.- NAWADA
4. PAPPU KUMAR @ PAPPU YADAV S/O- ARJUN PRASAD R/O- CHIRANGHATI, P.S.- HISUA, DIST.- NAWADA
5. LAXMAN YADAV @ LAXMI NARAYAN S/O- ARJUN YADAV R/O- CHIRANGHATI, P.S.- HISUA, DIST.- NAWADA
6. MURARI YADAV @ KRISHNA YADAV @ KRISHAN KUMAR S/O- NARESH YADAV R/O- CHIRANGHATI, P.S.- HISUA, DIST.- NAWADA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MITHILESH KUMAR S/O- UMESH RAJBANSHI R/O- CHIRANGHATI, P.S.- HISUA, DIST.- NAWADA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saroj Kumar Choudhary, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 7 03-11-2025 1. Heard learned counsel for the appellants and learned Special P.P. for the State, Mr. Sadanand Paswan.
2. No one appears on behalf of the informant.
3. The case was taken up on 01.11.2025 when on the said date also, no one had appeared on behalf of the informant.
4. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 23.02.2024 in A.B.P. No.416 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Nawada in connection with Hisua P.S. Case No. 494 of 2023 registered for the offences punishable under Sections 147, 149, 448, 323 and 302 of the Indian Penal Code as well as Sections 3(2)(va) of the SC/ST Act.

5. Learned counsel for the appellants submits that appellants are persons with clean antecedents and have been falsely implicated in the instant case by the informant, it is further submitted that no doubt allegation is of killing the grand mother of the informant, but whether she died a natural death or was killed on account of assault is an aspect of investigation. It is further submitted that from perusal of the postmortem report of the deceased, it would manifest that the doctors did not find any external injury on the body of the deceased. It is further submitted that specific allegation of assault is against Sant Yadav @ Baliram Kumar Yadav. It is also submitted that learned Special Judge, SC/ST (POA) Act, Nawada also in a mechanical manner rejected the anticipatory bail application of the appellants on the ground that anticipatory bail is not



maintainable even without discussing the facts of the case in order to arrive at a conclusion whether in the nature of allegations as alleged, *prima facie* any offence is made out under the SC/ST Act or not. It is further submitted that it becomes easy for the learned Trial Courts to dispose such cases where anticipatory bail are not maintainable even without appreciating the allegations alleged. It is also submitted that anticipatory bail is not maintainable only with respect to such cases where from reading of the allegation, *prima facie* offence is culled out, but then the learned Trial Court has to assign reasons for arriving at a conclusion that anticipatory bail is not maintainable. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that informant alleges that on 02.09.2023 at about 09:30 PM, his brother confronted Sant Yadav about breaking stones at night near his house on account of which Sant Yadav abused his brother by taking caste name and also also went away with the JCB tractor, but 15-20 minutes later, all the FIR named accused persons including the appellants entered the informant's house and started assaulting his family, during assault Sant Yadav kicked informant's grand mother in stomach causing her death.

6. The learned counsel appearing on behalf of the



appellants submits that prima facie offence did not take place in public view nor the FIR even remotely suggests that the occurrence was witnessed by any independent witnesses. It is also submitted that though it is alleged that eight accused persons assaulted the family members and abused by taking caste name and Sant Yadav kicked his grand mother leading to her death, but then the postmortem report does not record that any external injury was caused and cause of death has been opined to be brain haemorrhage due to unknown reason.

7. Learned Spl. P.P. for the State opposes the appeal.

8. In view of the submissions made by the learned counsel for the appellants, the order dated 23.02.2024 in A.B.P. No.416 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Nawada in connection with Hisua P.S. Case No. 494 of 2023, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with



Hisua P.S. Case No. 494 of 2023 subject to the conditions as
laid down under Section 482 (2) of the BNSS.

9. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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