

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1320 of 2025

Arising Out of PS. Case No.-1713 Year-2022 Thana- NAWADA District- Nawada

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1. Akhilesh Yadav@Akhilesh Kumar Son of Late Baleshwar Prasad Resident of Village- Mangar Bigha, Police Station- Town Thana District- Nawada (Bihar)
 2. Rohit Yadav Son of Late Ramdev Yadav @ Ramdeo Prasad Resident of Village- Mangar Bigha, Police Station- Town Thana District- Nawada (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Gaytri Devi wife of Rajesh Rajvanshi village- Jangal Beldariya, Budhoul, Ps- Nawada town, Dist- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Awadhesh Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Rohit Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 17-09-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant/Respondent No. 2.

2. The instant appeal has been filed by the appellants against the order dated 25.02.2025 passed by learned Exclusive Special Judge, SC/ST Court, Nawada whereby the prayer for anticipatory bail of the appellant in connection with Town (Nagar) P.S. Case No. 1713 of 2022 under Sections 147, 323, 324, 307, 341, 504, 506, 308, 379, 354, 420, 467, 468 of the Indian Penal Code and Section 3(1)(x)(xi) of SC/ST Act was rejected.



3. Prosecution case, in short, is that complainant/informant lodged the complaint alleging therein that in July, 2019 when the informant and her family member came back, they saw that their field was ploughed by the appellants and other accused persons. It is further alleged that when her family requested them, the accused persons hurled them caste slurs and also assaulted them.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. The appellants have not committed any offence as alleged in the FIR. Due to land dispute, the appellants have been dragged in this case and there is no iota of truth in the alleged occurrence. It is alleged that appellant no. 1 has given iron rod blow to the mother of the informant and appellant no. 2 has attacked by means of *Kudal* to the informant's husband but no any injury has been found on the body of informant and others and the same has been supported by the injury report. Learned counsel for the petitioner, therefore, contends that *prima-facie*, no case is made out against the petitioner. It is next submitted that co-accused Ramdev Yadav has abused the informant with caste based slurs. Learned counsel for the appellants further submits



that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against them. The appellants have no intention to disgrace the image of the informant in public view. The appellants have got one criminal antecedent. Similar co-accused has been granted bail by this Court vide order dated 17.04.2025 passed in Cr. Appeal (S.J.) No. 712 of 2025.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of anticipatory bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 25.02.2025 passed by learned Exclusive Special Judge, SC/ST Court, Nawada is hereby set aside.

7. Let the appellants, above named in the event of arrest/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. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction



of Court below/concerned Court in connection with Town
(Nagar) P.S. Case No. 1713 of 2022, subject to the conditions as
laid down under Section 482(2) of the Bharatiya Nagarik
Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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