

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1756 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- RANIYATALAB District- Patna

1. Pramod Yadav @ Pramod Kumar Yadav Son Of Ram Ekwat Yadav Resident Of Village- Madhuban Ps- Ranitalab, Dist- Patna
2. Mohit Yadav Son Of Sital Yadav @ Sitlal Yadav Resident Of Village- Madhuban Ps- Ranitalab, Dist- Patna
3. Mukhiya Yadav @ Ram Ekwat Yadav Son Of Jageshwar Yadav Resident Of Village- Madhuban Ps- Ranitalab, Dist- Patna
4. Lallu Yadav @ Ram Sakal Yadav Son Of Madheshwar Yadav Resident Of Village- Madhuban Ps- Ranitalab, Dist- Patna
5. Suraj Yadav @ Suraj Kumar Son Of Mishri Yadav Resident Of Village- Madhuban Ps- Ranitalab, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Mansha Devi Wife Of Bijendra Paswan Resident Of Village- Madhuban Ps- Ranitalab, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kameshwar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 21-08-2025 Despite valid service of notice, none appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 04.03.2024 passed by learned Exclusive Special Court SC/ST Act, Patna in ABP No. 1035 of 2024 arising out of Ranitalab P.S. Case No. 266 of 2023, registered under Sections 341, 323,



325, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per prosecution case, on the alleged date of occurrence, when husband of the informant was searching his buffalo, all the F.I.R. named accused persons, including these appellants, assaulted the husband of informant and abused him by caste name.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Both parties are co-villagers and due to petty dispute, altercation took place between them and taking advantage of the situation, this false and concocted case has been lodged. Allegation of assault is general and omnibus. F.I.R. has been lodged after inordinate delay of five days which itself raises doubt over veracity of the prosecution case. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.



7. Considering the nature of accusation, delay in lodging the F.I.R., let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court SC/ST Act, Patna in ABP No. 1035 of 2024 arising out of Ranitalab P.S. Case No. 266 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 04.03.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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