

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1647 of 2025

Arising Out of PS. Case No.-407 Year-2024 Thana- DHORAIYA District- Banka

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1. Siyaram Yadav S/o Bhola Yadav R/o vill - Ora, Sripathar, P.S.- Dhoraiya, Distt. - Banka
 2. Jaijairam Yadav S/o Bhola Yadav R/o vill - Ora, Sripathar, P.S.- Dhoraiya, Distt. - Banka
 3. Bhola Yadav S/o Late Chaturi Yadav R/o vill - Ora, Sripathar, P.S.- Dhoraiya, Distt. - Banka

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ramji Paswan S/o Late Bhujangi Paswan R/o vill - Joki, P.S.- Dhoraiya, Distt.- Banka

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md. Nurul Hoda, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. PP.
For the respondent no.2	:	Mr. Praveen Kumar, Advocate
		Mr. Ravi Prakash Dwivedi, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellant, learned counsel for respondent no.2 and learned Special Public Prosecutor for the State.

2. 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 bail vide order dated 20.03.2025 passed by the learned Additional Sessions Judge-I-cum- Special Judge S.C./S.T. (P.O.A.) Act, Banka in ABP No.



129 of 2025 arising out of Dhoraiya P.S. Case No. 407 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 303(2), 329(3), 352, 351(2), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 3(i)(r)(s)/3(2) (va) of the SC/ST Act.

3. The case of the prosecution, in brief, is that on 08.12.2024, the informant went to plough his field. In the meantime, the petitioner under a conspiracy was waiting for him at the field and when the informant reached there then the petitioners assaulted him with intention to kill him. Petitioner no. 1, Siyaram Yadav assaulted the informant with iron rod on his chest, petitioner no. 2, Jaijairam Yadav assaulted him with iron rod over his back and thigh and petitioner no. 3, Bhola Yadav assaulted him with lathi on his hand. They also abused him with castist abuse.

4. Learned counsel for the appellants submitted that appellants are innocent and they have been falsely implicated in this case. It is further submitted that it is apparent from the FIR that there is a land dispute between the parties. Learned counsel further submitted that the land, in dispute, was purchased by the appellants through registered sale deed dated 04.04.2022 and rent receipts dated 25.10.2023 and Land Possession Certificate



dated 27.10.2023 was also issued in favour of the appellants. It is next submitted that the incident took place on the lands of the appellants and not in a public view and as such, no offence under Section SC/ST Act is made out against the appellants in this case. As per the injury report, the injury received by the informant is swelling of size 4x3 cm over back of chest caused by hard and blunt substance, which is simple in nature. Lastly, it is submitted that appellants have no criminal antecedents.

5. Learned Special Public Prosecutor for the State as well as learned counsel for respondent no.2 vehemently opposed the prayer of the appellants and submitted that there is direct allegation against the appellants.

6. Having considered the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum- Special Judge S.C./S.T. (P.O.A.) Act, Banka in connection with Dhoraiya P.S. Case No. 407 of 2024, subject to the condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.



7. The impugned order dated 20.03.2025 passed in ABP No. 129 of 2025 arising out of Dhoraiya P.S. Case No. 407 of 2024 by the learned Additional Sessions Judge-I-cum-Special Judge S.C./S.T. (P.O.A.) Act, Banka is hereby set aside.

8. The appeal stands allowed.

(Khatim Reza, J)

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