

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1788 of 2025

Arising Out of PS. Case No.-107 Year-2025 Thana- KOTWALI District- Patna

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1. Jai Prakash Yadav Son of Ved Prakash Rai Village- Semara Bandhu Chhapra, Ps- Koilwar, Dist- Bhojpur
 2. Madhu Kumari Wife of Jai Prakash Yadav Village- Semara Bandhu Chhapra, Ps- Koilwar, Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Amar Paswan son of Late Raj Ballabh Paswan village- Bostar Sabalpur, Ps- Nadi, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ganesh Prasad Yadav, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Respondent no.2	:	Mr. Krishna Chandra, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

4 19-12-2025 Heard learned counsel for the appellants and learned Spl.P.P. for the State and learned counsel for the respondent no.2.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 16.04.2025 passed by the learned Court of Exclusive Special Judge, SC/ST Act, Civil Court, Sadar Patna in connection with Kotwali P.S. Case No.107 of 2025, registered under Sections 115(2), 126(2), 352, 3(5) of the B.N.S and Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. The allegation in the First Information Report is



that while the informant was taking care of the construction material, the appellants illegally entered through the fence and hurled caste based abuses and even indulged in assault.

4. Learned counsel for the appellants at the outset submits that the present F.I.R. has been filed on the instigation of one Raj Kumar Sharaf with whom the appellants had land dispute. As a matter of fact, title suit is also going on between the parties and the informant is actually the servant of the said Raj Kumar Sharaf. It has also been submitted that the allegation of hurling abuse relating to caste has not been made in public view, as such provisions of SC/ST Act may not be attracted. Further, while the appellant no.1 is a government servant, the appellant no.2 is a housewife and there is no flight risk. Further, the parties are negotiating out of Court settlement and this fact has been supported by the learned counsel appearing on behalf of the respondent no.2 and he as such, also does not oppose the prayer for anticipatory bail.

5. Considering the fact that the incident has not taken place in public view, no offence under the provisions of SC/ST Act *prima facie* appears to be made out against the appellants.

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that the



case arises out of bonafide dispute between the parties with no injuries having been caused to anyone coupled with the fact that the negotiations of compromise are also being worked out, let the appellants above named, who have no flight risk, in the event of their arrest to surrender before the Court below within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST Act, Civil Court, Sadar Patna in connection with Kotwali P.S. Case No.107 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Soni Shrivastava, J)

anand/-

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