

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1805 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- CHANAN District- Lakhisarai

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1. Nuneshwar Yadav S/o- Yadu Yadav Resident of Village-Gopalpur P.S- Chanan District- Lakhisarai
 2. Yadu Yadav S/o- Late Prasadi Yadav Resident of Village-Gopalpur P.S- Chanan District- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rekha Devi W/o- Uday Dom @ Uday Mallik Village- Churamanbigha Ps- Chanan Dist- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjeev Kumar, Adv.
For the informant	:	Mr. Sanjay Prasad, Adv.
		Mr. Amrendra Kumar, Adv.
For the State	:	Mr.Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 24-07-2025 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. P.P. 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 against the rejection of prayer for bail of the appellant vide order dated 24.04.2025 passed by the learned District & Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Lakhisarai in connection with Chanan P.S. Case No. 30 of 2025 dated 05.03.2025 registered for the alleged offences punishable under Sections 126(2), 115(2), 352, 351(2),



118(1), 329(3), 75, 76 read with Section 3(5) of the B.N.S. and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, when the informant was getting house constructed in her land, in the meantime, the appellants and the other co-accused persons came there with an iron rod and started abusing the informant by calling her caste name. On being objected by the informant, all the accused persons brutally assaulted the informant with lathi and danda causing injury to her. The appellant Nuneshwar Yadav and the other accused person outraged the modesty of the informant and also molested her. When the informant's husband and son came to rescue her, the accused persons also assaulted them. Thereafter, the accused persons fled away from the spot. The injured was taken to the hospital for treatment.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellants. As per the injury report of the informant, the injury is simple in nature caused by hard and blunt object. Nothing has been recovered from the conscious possession of the appellants. It is further submitted that



the appellants have no concern with the alleged offence. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellants are in custody since 06.03.2025.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 24.04.2025 passed by the learned District & Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Lakhisarai in connection with Chanan P.S. Case No. 30 of 2025, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Lakhisarai in connection with Chanan P.S. Case No. 30 of 2025.

(Chandra Prakash Singh, J)

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