

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2244 of 2024

Arising Out of PS. Case No.-527 Year-2023 Thana- PUPRI District- Sitamarhi

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1. DARESH YADAV SON OF SHANKAR YADAV RESIDENT OF VILLAGE - RAMPUR PACHHASI, P.S. - PUPRI, DISTRICT - SITAMARHI
 2. SHYAM YADAV @ SHYAM KUMAR YADAV SON OF RAM CHANDRA YADAV RESIDENT OF VILLAGE - RAMPUR PACHHASI, P.S. - PUPRI, DISTRICT - SITAMARHI
 3. KISHAN YADAV SON OF RAMPRIT YADAV RESIDENT OF VILLAGE - RAMPUR PACHHASI, P.S. - PUPRI, DISTRICT - SITAMARHI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. BACHHA PASWAN SON OF LATE RIJHAN PASWAN RESIDENT OF VILLAGE - RAMPUR PACHHASI, P.S. - PUPRI, DISTRICT - SITAMARHI

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Informant	:	Mr. Sunil Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 04-11-2025 Heard learned counsel for the appellants, learned Special P.P., Mr. Binay Krishna and learned counsel appearing on behalf of the informant.

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 anticipatory bail vide order dated 08.04.2024, passed by learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act,



Sitamarhi in connection with Pupri P.S. Case No.527 of 2023, registered under Sections 147, 148, 149, 341, 323, 324, 307, 325 and 504 of the Indian Penal Code as well as Sections 3(1)(r)(s) (w)/3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and in sum and substance the allegation, as alleged in the FIR, is that while informant along with Chandan were cultivating the field when the accused persons including the appellants came and Daresh assaulted Vijay by *farsa* causing injury on head. Further, Shyam Yadav assaulted Gulab by *lathi* and *bhala* causing injury on head. Further, Kishan is alleged to have assaulted the informant and others by *lathi*.

4. Learned counsel for the appellants submits that appellants are having land dispute with Vijay Yadav. It is further submitted that the land belongs to Vijay Yadav and the informant is his labourer. It is submitted that on account of dispute relating to land in between appellants and Vijay Yadav, an altercation had taken place in which both sides assaulted each other and both sides suffered injuries but then it is asserted and submitted that the injuries suffered by the side of the appellants and the informant are simple in nature. It is next submitted that



the dispute was in between appellants and Vijay but then the informant was used as a tool by Vijay to institute the instant case. It is next submitted that even Vijay was assaulted but then he chose not to institute the instant FIR. It is also submitted that no doubt the allegation is of abusing by taking caste name but then the said allegation has been alleged only to give seriousness to the case. It is further submitted that even presuming what has been alleged is true without admitting then on account of dispute relating to land, the occurrence is alleged to have taken place. It is also submitted that a title appeal in between the appellants and Vijay Yadav is also pending.

5. Learned Special P.P. and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellants that the land belongs to Vijay and there is admitted land dispute in between the appellants and Vijay and the occurrence also took place on the land which is being claimed by both the parties and that the injuries suffered by both sides are simple in nature.

6. Considering the aforesaid submissions made by



learned counsel for the appellants, let appellants, above named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Pupri P.S. Case No.527 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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