

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2337 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- TANKUPPA District- Gaya

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1. UPENDRA KUMAR SON OF BHIMDHARI YADAV @ LILADHARI YADAV RESIDENT OF VILLAGE - MAHMMADPUR, POST OFFICE - TANKUPPA, POLICE STATION - TANKUPPA, DISTRICT - GAYA
 2. MUKESH KUMAR SON OF SATYENDRA YADAV RESIDENT OF VILLAGE - MAHMMADPUR, POST OFFICE - TANKUPPA, POLICE STATION - TANKUPPA, DISTRICT - GAYA
 3. BABLU KUMAR SON OF RAMDEO YADAV RESIDENT OF VILLAGE - MAHMMADPUR, POST OFFICE - TANKUPPA, POLICE STATION - TANKUPPA, DISTRICT - GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. ANITA DEVI WIFE OF AWADHESH MANJHI RESIDENT OF VILLAGE - MAHMADPUR, POST OFFICE - TANKUPPA, POLICE STATION - TANKUPPA, DISTRICT - GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ujjawal Kumar Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-09-2025 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Mr. Sadanand Paswan.

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 06.04.2024 in A.B.P. No. 102 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Tankuppa P.S. Case No. 244 of 2023 registered



for the offences punishable under Sections 341, 323, 504, 354 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the respondent no. 2 despite receiving notice chooses not to appear and contest. It is next submitted that informant alleges that on 08.12.2023 at about 05:00 PM, her nieces and her nephew had gone to the field to bring back the she-goat back home, when the accused persons including the appellants started commenting and on protest they started abusing and when informant went to ask the accused why they abused, they assaulted the informant by fist.

4. Learned counsel for the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not inspire confidence and *prima facie* in the nature of allegation, no offence under the SC/ST Act is made out, as the occurrence was not witnessed by any independent witnesses nor the FIR even remotely suggest that the occurrence was witnessed by any independent witnesses. It is next submitted that the date of occurrence is 08.12.2023 and the FIR came to be instituted on 11.12.2023 i.e. after a delay of three days without any plausible explanation which casts



aspersion on the case of the prosecution, further no specific allegation is alleged against the appellants.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 06.04.2024 in A.B.P. No. 102 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Tankuppa P.S. Case No. 244 of 2023, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Tankuppa P.S. Case No. 244 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. **Accordingly the appeal stands allowed.**

(Satyavrat Verma, J)

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