

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2412 of 2024

Arising Out of PS. Case No.-507 Year-2023 Thana- NAUTAN District- West Champaran

1. Dhara Yadav @ Dara Yadav S/O Indal Yadav R/O Village Budhwaliya, P.S. Nautan, Distt- West Champaran
2. Sanjay Yadav S/O Indal Yadav R/O Village Budhwaliya, P.S. Nautan, Distt- West Champaran
3. Mulayam Yadav S/O Indal Yadav R/O Village Budhwaliya, P.S. Nautan, Distt- West Champaran
4. Birendra Yadav S/O Indal Yadav R/O Village Budhwaliya, P.S. Nautan, Distt- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sandeep Gupta @ Hari Om Kumar Gor S/O Raghunath Sah R/O Village Budhwaliya, P.S. Nautan, Distt- West Champaran, Bettiah, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vishal Prasad Srivastava
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 17-12-2025 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the SC/ST Act.
2. An order, dated 03.04.2024, passed by learned Additional District and Session Judge I -cum- Special Judge SC/ST, Bettiah, West Champaran, in ABP No. 192 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in



connection with Nautan Police Station Case No. 507 of 2023 registered for the offence punishable under Sections 147/148/149/341/323/324/307/504/506/379/34 of the Indian Penal Code and Section 3 (1)(r)(s)(Za) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 14.11.2023, the informant was returning home after collecting his shop's dues, in the meanwhile, the informant met with appellant no. 1 and demanded his dues amounting to Rs. 6,000/-. The appellant no. 1 abused the informant and called appellants, including other accused persons. It has further been alleged that all the accused persons came armed with lathi, rod, knife and surrounded the informant. The appellant no. 1 assaulted the informant on his head and left side of chest by means of knife causing injuries, the appellant no. 3 also inflicted knife blow upon the informant on his right abdomen, appellant no. 2 snatched golden chain and other accused persons assaulted the informant by means of lathi.
4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case



due to dispute between the appellants (mainly appellant no. 1) and the informant over non-payment of dues of informant's shop. He next submits that the allegation against the appellants are general and omnibus in nature. Referring to the injury report, learned counsel submit that the injuries caused to the informant by the appellant nos. 1, 2 and 4 are simple in nature, except injury no. 4, which is grievous in nature caused by the appellant no. 3. He further submits that provision of SC/ST Act is not attributable against the appellants inasmuch as allegation of caste based abuse has not been alleged.

5. Learned counsel for the Respondent no. 2 argued that there is specific allegation of assault against the appellants and injury caused by the appellant no. 3 is grievous in nature.
6. Learned counsel for the Special Public Prosecutor for the SC/ST Act opposed the prayer for anticipatory bail.
7. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact injury no. 4 caused by the appellant no. 3 is grievous in nature, I am not inclined to grant the appellant no. 3 privilege of anticipatory bail.



8. This appeal in respect of appellant no. 3 is, accordingly, rejected.

9. Insofar as this appeal in respect of appellant nos. 1, 2 and 4 is concerned, the occurrence took place due to outstanding money dispute between the parties, there is general and omnibus allegation against them and injuries caused by the appellant nos. 1, 2 and 4 to the victim are simple in nature, accordingly, I am inclined to grant the appellant nos. 1, 2 and 4 privilege of anticipatory bail.

10. This appeal in respect of the appellant nos. 1, 2 and 4 stands allowed and the order, dated 03.04.2024, passed by learned Additional District and Session Judge I -cum- Special Judge SC/ST, Bettiah, West Champaran, in ABP No. 192 of 2024, is set aside.

11. Let the appellant nos. 1, 2 and 4, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge I -cum- Special Judge SC/ST, Bettiah, West Champaran, in connection with Natuan Police Station Case No. 507 of



2023, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

