

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2507 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- BARACHATTI District- Gaya

Dinesh Yadav @ Dinesh Kumar Son of Gopal Yadav R/O Vill.- Manjhaulia,
P.S.- Mohanpur, Dist.- Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Lalita Devi Wife of Mahendra Das R/O Manjhaulia, P.S.- Mohanpur, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rabindra Kumar Priyadarshi
For the Respondent/s	:	Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 11-11-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This appeal is preferred against the order dated 03.05.2024 passed by the learned Exclusive Spl. Judge (SC/ST, Act) Gaya passed in ABP No. 136 of 2024, in connection with Barachatti P.S. Case No. 38 of 2024, registered under Sections 341, 323, 504, 506, 379 and 307/34 of the Indian Penal Code and under Section 3(2)(va) of the S.C./ S.T. Act, by which the prayer for Anticipatory bail of the Appellants has been rejected.

3. As per the prosecution case, the allegation against the appellant is that Appellant along with other accused persons named in the F.I.R. assaulted the informant and her family members and also threatened them by caste name.

4. Learned counsel for the appellants submits



that the appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the main thrust of allegation is because of a trivial dispute and not because of prosecution side belonging to the SC/ST community, therefore not even a prima facie case is made out and consequently, this application for anticipatory bail is maintainable. He relies upon the Judgment of the Hon'ble Supreme Court in the case of *Kiran Vs. Rajkumar Jivraj Jain and Anr.* reported in *2025 INSC 1067* and in the case of *Hitesh Verma Vs. State of Uttarakhand* reported in *(2020) 10 SCC 710*.

5. Learned counsel for the State has opposed the prayer of the appellant for grant of bail.

6. I have considered the submissions of the parties and perused the materials on record.

7. From reading of the F.I.R., it appears that the occurrence has taken place on account of land dispute between the parties and it does not appear that offence has been committed against the informant on the ground that he is a member of S.C./S.T. community. Moreover, informant Lalita Devi has received simple injury.

8. Considering the aforesaid facts and also the law laid down by the Hon'ble Supreme Court in the case of *Kiran vs. Rajkumar Jivraj Jain and Anr. (Supra)* and in the case of



Hitesh Verma Vs. State of Uttarakhand (supra), this application for grant of anticipatory bail is held to be maintainable.

9. Having considered the submissions of the parties and also considering the facts of the case, this appeal is allowed. Accordingly, the order dated 03.05.2024 passed by the learned Exclusive Spl. Judge (SC/ST, Act) Gaya passed in ABP No. 136 of 2024, in connection with Barachatti P.S. Case No. 38 of 2024, is hereby set aside.

10. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Spl. Judge (SC/ST, Act) Gaya in connection with Barachatti P.S. Case No. 38 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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