

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2537 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- UDAKISHUNGANJ District- Madhepura

1.

NITYANAND YADAV @ NITYANAND PRASAD YADAV SON OF BINDESHWARI YADAV RESIDENT OF VILLAGE - LAXMIPUR (LAKSHMIPUR), P.S. - UDAKISHUNGANJ, DISTRICT - MADHEPURA
2.

MITHILESH YADAV @ MITHILESH KUMAR YADAV SON OF BINDESHWARI YADAV RESIDENT OF VILLAGE - LAXMIPUR (LAKSHMIPUR), P.S. - UDAKISHUNGANJ, DISTRICT - MADHEPURA
3.

JAY JITENDRA YADAV @ JAY JITENDRA SON OF NITYANAND YADAV @ NITYANAND PRASAD YADAV RESIDENT OF VILLAGE - LAXMIPUR (LAKSHMIPUR), P.S. - UDAKISHUNGANJ, DISTRICT - MADHEPURA

... .. Appellant/s

Versus

1.

THE STATE OF BIHAR
2.

ABHILASHA KUMARI WIFE OF MITHUN PASWAN RESIDENT OF VILLAGE - LAXMIPUR (LAKSHMIPUR), WARD NO. 21, P.S. - UDAKISHUNGANJ, DISTRICT - MADHEPURA

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Pawan Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

404-09-2025

Heard learned counsel appearing for the appellants and learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 01.05.2024 passed by the learned Additional Sessions Judge 1st-cum-Special Judge, SC/ST (POA) Act, Madhepura in a



case registered for the offence punishable under Sections 341, 323, 325, 354A, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

4. As per prosecution case, informant, namely Abhilasha Kumari, alleged that on 12.02.2024 at about 8:30 PM, when husband of informant was taking photos of signboard, in the meantime, all the F.I.R. named accused persons, including these appellants, came there, abused husband of informant by caste name and assaulted him. When informant went to rescue, she was also abused by caste name and assaulted by all the accused persons. It is further alleged that accused persons snatched Rs. 20,000/- cash from pocket of informant.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, both parties are co-villagers and due to political rivalry, simple *maar-peet* took place between the parties in which both sides sustained injuries. There is case and counter-case. Allegation of assault is general and omnibus and no specific accusation of overt act has been



alleged against these appellants. Injuries sustained by the injured are simple in nature. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, case and counter-case between the parties, nature of injuries sustained by the injured and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 01.05.2024 passed by the learned Additional Sessions Judge 1st-cum-Special Judge, SC/ST (POA) Act, Madhepura in connection with A.B.P. No. 477 of 2024 arising out of Udakishunganj P.S. Case No. 48 of 2024 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 Sessions Judge 1st-cum-Special Judge, SC/ST
(POA) Act, Madhepura in connection with Udakishunganj P.S.
Case No. 48 of 2024.

(Prabhat Kumar Singh, J)

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