

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2134 of 2025

Arising Out of PS. Case No.-187 Year-2025 Thana- MAKHDUMPUR District- Jehanabad

1. Kamlesh Yadav @ Amresh Kumar S/o- Naresh Yadav Village- Mira Bigha PS- Makhdumpur Tehta Distt- Jehanabad
2. Lokumar Yadav S/o- Daroga Yadav @ Gondu Yadav Village- Mira Bigha PS- Makhdumpur Tehta Distt- Jehanabad
3. Ashok Kumar S/o- Rampravesh Yadav Village- Mira Bigha PS- Makhdumpur Tehta Distt- Jehanabad
4. Santosh Yadav @ Santosh Kumar S/o- Late Hulas Yadav @ Dinesh Yadav Village- Mira Bigha PS- Makhdumpur Tehta Distt- Jehanabad
5. Aadhyanand Yadav @ Awadhnanan @ Abhyanan Singh S/o- Late Ramishwar Yadav Village- Mira Bigha PS- Makhdumpur Tehta Distt- Jehanabad
6. Shailesh Kumar S/o- Nanhko Yadav Village- Mira Bigha PS- Makhdumpur Tehta Distt- Jehanabad
7. Shankar Yadav @ Shankar Kumar S/o- Umesh Yadav Village- Mira Bigha PS- Makhdumpur Tehta Distt- Jehanabad
8. Laldev Yadav S/o- Nand @ Daroga Yadav Village- Mira Bigha PS- Makhdumpur Tehta Distt- Jehanabad
9. Dwari Yadav @ Sanjay Yadav @ Sanjay Kumar S/o- Late Hulas Yadav @ Dinesh Yadav Village- Mira Bigha PS- Makhdumpur Tehta Distt- Jehanabad
10. Sanjay Yadav S/o- Ramjatan Yadav Village- Mira Bigha PS- Makhdumpur Tehta Distt- Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Devi W/o- Arun Paswan Village- Mira Bigha Ps- Tehta Makhdumpur Dist- Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Paras Nath, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.
	:	Mr. Parwej Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 10-12-2025 Heard learned counsel for the appellants, learned Spl.
P.P. for the State 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 09.05.2025 in A.B.P. No. 617 of 2025 passed by the learned 1st Additional Sessions Judge-Cum-Special Judge, SC/ST Act, Jehanabad in connection with Makhdumpur P.S. Case No. 187 of 2025 registered for the offences punishable under Sections 191(2), 190, 126(2), 74, 109, 352, 115(2), 118(1), 303(2) and 351(2) of the BNS as well as Sections 3(1)(r) (s)(w) and (2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that on 16.03.2025 at about 06:00 P.M. informant was sitting at her door and in the meantime, all accused persons came at her door and started abusing by calling her caste name and asked to return loan what she has taken otherwise her son will be killed. It is next alleged that co-accused persons including the appellants had come variously armed and appellant no.1, Raushan Kumar along with Gaurav Shankar assaulted the son of informant and others and the accused also



assaulted other persons of the informant's side on account of which she sustained injuries. Naresh Yadav snatched Jitiya from Sumit Devi.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that appellants had come to her house asking her to return the loan amount which amply demonstrates that there was financial dispute in between the parties. It is also submitted that though it is alleged that appellant no.1 along with Raushan Kumar and Gaurav assaulted the son of the informant but then the injury has been opined to be simple in nature which does not corroborate the allegation of assault. It is next submitted that injury suffered by other injured are also simple in nature. It is further submitted that in the nature of allegation, prima facie no offence under Section SC/ST Act is made out as the allegation of abuse is not specific and the occurrence is alleged to have taken place at the house of the informant and thus it is not in the public view and allegation of snatching *jitiya* of Sumit Devi is ornamental.

5. Learned Spl. P.P. for the State and learned counsel



for the informant opposes the prayer for anticipatory bail of the appellants but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that the occurrence took place at the house of the informant and the injury suffered by the injured has been opined to be simple in nature and allegation of hurling abuse is general and omnibus in nature.

6. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

AjayMishra/-

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

