

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2604 of 2024

Arising Out of PS. Case No.-133 Year-2016 Thana- LAUKAHI District- Madhubani

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1. RAJNARAYAN YADAV SON OF DHANVIR YADAV VILLAGE-THANDHI, P.S.- LAUKAHI, DISTRICT, DISTT.- MADHUBANI
 2. SHYAM YADAV @ SHYAMDEV YADAV SON OF DHANVIR YADAV VILLAGE- THANDHI, P.S.- LAUKAHI, DISTRICT, DISTT.- MADHUBANI
 3. DHANVIR YADAV SON OF SHURAT YADAV VILLAGE- THANDHI, P.S.- LAUKAHI, DISTRICT, DISTT.- MADHUBANI
 4. MANVIR YADAV SON OF SHURAT YADAV VILLAGE- THANDHI, P.S.- LAUKAHI, DISTRICT, DISTT.- MADHUBANI
 5. RAVINDRA YADAV SON OF SHURAT YADAV VILLAGE- THANDHI, P.S.- LAUKAHI, DISTRICT, DISTT.- MADHUBANI
 6. LAKHAN YADAV SON OF RAMSUNDAR YADAV VILLAGE-THANDHI, P.S.- LAUKAHI, DISTRICT, DISTT.- MADHUBANI

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RAMDEO PASWAN SON OF LATE SHITALPASWAN VILLAGE-CHIODHABA, P.S.S- LAUKAHI, DISTRICT- MADHUBANI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manoj Kumar Pandey
For the Informant	:	Mr. Soban Asghar
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

9 10-04-2025 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the



‘SC/ST Act’) against the refusal of prayer of anticipatory bail of the appellant vide order dated 09.05.2024, passed by the learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST), Madhubani in A.B.P. No. 866 of 2024 in connection with Laukahi P.S. Case No. 133 of 2016 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 448, 380, 435 and 504 of the I.P.C., and Section 3(1)(x) of the SC/ST Act.

3. The prosecution case, in brief, is that due to land dispute, all the accused persons including the appellants armed with weapons came to the house of the informant and started abusing him. It is further alleged that the accused persons, Raj Narayan Yadav and Budhan Yadav, surrounded the informant and abused him with his caste name and assaulted him. The appellant Manvir Yadav and the co-accused person, entered the house of the informant, destroyed the belongings of the informant and took clothes, jewellery and Rs. 5000/- and the accused Raj Narayan Yadav and Manvir Yadav also set fire by putting kerosene oil on his house.

4. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been implicated in the present case due to ulterior motive. It is submitted that on the alleged date and time of occurrence, the



appellants did not visit the house of the informant and neither they had made any abusive language nor had threatened or assaulted the informant or any of his family members. It is further submitted that there is land dispute between the parties as is also evident from the F.I.R. No member of public was present at the relevant point of time of the alleged incident. The alleged occurrence has not taken place in a public view. Hence, no offence under the SC/ST Act is made out against the appellants. The appellants have two criminal antecedents in which they are on bail as stated in paragraph no. 3 of the memo of appeal.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 09.05.2024, passed by the learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST), Madhubani in A.B.P. No. 866 of 2024 in connection with Laukahi P.S. Case No. 133 of 2016 in connection with Laukahi P.S. Case No. 133 of 2016, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the



event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST) Act, Madhubani in connection with Laukahi P.S. Case No. 133 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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