IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2338 of 2025

Arising Out of PS. Case No.-239 Year-2018 Thana- ALOULI District- Khagaria

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1. Kiss Kumar Yadav @ Krishna Kumar S/o Devendra Yadav Resident of Village- Chikni, P.S.- Alauli, District- Khagaria
2. Ram Chandra Yadav @ Chandra yadav @ Ram Chandar Yadav @ Chandar Yadav S/o Mewalal Yadav Resident of Village- Chikni, P.S.- Alauli, District- Khagaria
3. Rupesh Yadav @ Rupesh Kumar S/o Chhotelal Yadav Resident of Village- Chikni, P.S.- Alauli, District- Khagaria
4. Pradeep Kumar @ Pradeep Yadav @ Pardeep Kumar Kumar @ Pardeep Yadav S/o Devendra Yadav Resident of Village- Chikni, P.S.- Alauli, District- Khagaria

... ... Appellant/s

Versus

1. The State of Bihar
2. Lalita Devi W/o Gandori Sada Resident of Village- Chikni, P.S.- Alauli, District- Khagaria

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Santosh Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

4 25-11-2025 Heard the parties including the learned counsel for the informant.

2. This appeal is preferred against the order dated 20.05.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Khagaria in ABP No. 30 of 2025 arising out of Alouli P.S. Case No. 239 of 2018 registered for the offence under Sections 147, 148, 341, 323, 354(B), 379, 504 of the Indian Penal Code and under section 3(1)(r), 3(1)(s) of

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S.C/S.T. (POA) Act by which anticipatory bail filed by the appellants has been rejected.

3. As per the prosecution case, because of dispute over filling of land, the appellants are said to have assaulted the prosecution side and have abused by taking 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 occurrence has taken place because of land dispute and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State and Informant have opposed the prayer of the appellant.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears that for dispute over filling of land, the occurrence has taken place and therefore, this application for grant of anticipatory bail is held to be maintainable.

7. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 20.05.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act,

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Khagaria in ABP No. 30 of 2025 arising out of Alouli P.S. Case No. 239 of 2018, is hereby set aside.

8. 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 Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Khagaria in connection with Alouli P.S. Case No. 239 of 2018, 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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