

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2300 of 2025

Arising Out of PS. Case No.-64 Year-2025 Thana- GAYA MUFASIL District- Gaya

-
1. Heeraman Yadav S/O Late Jatan Yadav Resident of Village- Bisar, P.S.- Muffasil, District-Gaya
 2. Harendra Kumar S/o Heeraman Yadav Resident of Village-Bisar, P.S.- Muffasil, District-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sharda Devi Wife of Akhilesh Choudhary @ Nawlesh Choudhary Resident of village- Bisar, P.S.-Muffasil, District- Gaya but at present Residing at village-Chiraila, P.S.- Muffasil, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Sharma, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For the Informant	:	Mr. Sudhir Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-08-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 23.04.2025 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 107 of 2025 in connection with Muffasil P.S. Case No. 64 of 2025, registered under Sections 126(2), 115(2), 109, 117(2), 303(2), 352, 74, 3(5) of the Bharatiya Nyaya Sanhita, Section 27 of the Arms Act and Section 3(i)(r), 3(i)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. As per prosecution case, on the alleged date and time of occurrence, all the F.I.R. named accused persons including these appellants, armed with weapons, attacked informant and her husband while they were irrigating wheat crops. It is further alleged that the accused persons also snatched earrings and tried to outrage modesty of the informant.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He next submits that both parties are co-villagers and due to petty dispute altercation took place between them in which both sides sustained injuries. Case and counter case. Allegation of assault is general and omnibus. Injuries sustained by the injured are simple in nature. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering the nature of accusation and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today,



be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST, Gaya in ABP No. 107 of 2025 in connection with Muffasil P.S. Case No. 64 of 2025.

7. Accordingly, this criminal appeal is allowed and impugned order dated 23.04.2025 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

Navya/-

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

