

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2940 of 2024

Arising Out of PS. Case No.-32 Year-2023 Thana- SC/ST District- Bhagalpur

1. GAURI YADAV SON OF JAGRUP YADAV VILLAGE- SAADPUR, P.S.- SAHKUND, DISTT.- BHAGALPUR
2. SAJAN YADAV @ SAJAN KUMAR SON OF SHANKAR YADAV VILLAGE- SAADPUR, P.S.- SAHKUND, DISTT.- BHAGALPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. JANKI DEVI W/O- NARAYAN PASWAN VILLAGE- SAADPUR, P.S.- SAHKUND, DISTT.- BHAGALPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP
For informant : Mr. Raju Prasad , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-11-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 09.05.2024 passed in a case registered for the offence punishable under sections 341 , 323 , 324, 354 (B), 379, 337, 307, 427, 448 , 504, 506 and 34 of IPC and 3(1)(r) (s) (w) / 3 (2) (va) Schedule Caste and Schedule Tribes Act and later on sections 3 (1) 3 (1) (q), 3 (1) (t), 3 (1) (w) 3 (2) (va) , 3 (v) of SC / ST Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case, the informant, namely, Janki devi alleged that on 13.12.2023 at about 05:00 AM, all the



F.I.R. named accused persons including these appellants armed with iron rod and lathi came to the house of informant and abused her by caste name . It is further alleged that co-accused Mato Yadav assaulted son of informant on his head and co-accused Shyam Yadav and Rupesh Yadav misbehaved with daughter of informant and pressed her neck and also assaulted her with fists and slap . It is lastly alleged that co-accused Shyam Yadav snatched silver chain from her neck and extended threat not to lodge the case .

4. It is submitted on behalf of these appellants that specific accusation of assault is against other co-accused persons. Appellants are only alleged to be the member of mob. Admittedly, there is land dispute pending between the parties. From bare perusal of F.I.R. it is apparent that the entire incident occurred inside the house of informant and as such, it is not within the public view and as such, no case under Section SC / ST Act is made out. Appellants claim clean antecedent.

5 . Learned special Public Prosecutor for the State as well as learned counsel for the respondent No. 2 opposed the bail.

6. Considering the aforesaid facts, this appeal is



allowed and the impugned order is set aside. 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 the learned Additional District and Sessions Judge – III – cum= Special Judge (SC / ST Act), Bhagalpur in connection with Bhagalpur SC / ST Police Station Case No. 32 of 2023 .

(Prabhat Kumar Singh, J)

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