

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2859 of 2024

Arising Out of PS. Case No.-159 Year-2003 Thana- COMPLAINT CASE District- Banka

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ARUN YADAV @ ARUN KUMAR YADAV SON OF KISUN YADAV @
KRISHAN MOHAN YADAV VILLAGE- NAGEL, P.O.- BISHANPUR, P.S.-
BELHAR, DISTT.- BANKA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SONU RAVIDAS SON OF CHINTU RAVIDAS VILLAGE- ASOUTA,
P.S.- SHAMBHUGANJ, DISTT.- BANKA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar Jha
For the Respondent/s	:	Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 04-11-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. None appears on behalf of the informant despite
valid service of notice.

3. This appeal is preferred against the order dated
20.05.2024 passed by the learned Additional District and
Sessions Judge-I-cum-Special Judge, SC/ST Act, Banka passed
in ABP No. 685 of 2024 arising out of Complaint Case No. 159
of 2003 registered for the offence under Sections 147, 452, 323,
380, 436, 149 of the Indian Penal Code and under Section 3 of
SC and ST Act.

4. As per the prosecution case, the appellant is said to



have assaulted the informant and burnt his house because of the land dispute.

5. Learned counsel for the appellant 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 main thrust of allegation is because of land dispute and not because of prosecution side belonging to the SC/ST community, therefore the application of the anticipatory bail is maintainable. He further relies upon the Judgment of the Hon'ble Supreme Court in the case of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.*** reported in ***2025 INSC 1067*** and in the case of ***Hitesh Verma Vs. State of Uttarakhand*** reported in ***(2020) 10 SCC 710***.

6. Learned counsel for the State has opposed the prayer of the appellant.

7. From the reading of the entire complaint, it does not appear that offence has been committed against the informant on the ground that he is a member of SC/ST community.

8. In these circumstances, considering the law laid down by the Hon'ble Supreme Court in the case of ***Kiran Vs. Rajkumar Jivraj Jain and Anr. (Supra)*** and in the case of ***Hitesh Verma Vs. State of Uttarakhand (Supra)***, this



application for grant of anticipatory bail is held to be maintainable.

9. Considering the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 20.05.2024 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Banka passed in ABP No. 685 of 2024 arising out of Complaint Case No. 159 of 2003 is hereby set aside.

10. Let the appellant, in the event of his 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 learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Banka/ concerned Court below in connection with Complaint Case No. 159 of 2003, 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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