

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3040 of 2024

Arising Out of PS. Case No.-54 Year-2023 Thana- SC/ST District- Purnia

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1. Kanhaiya Kumar Yadav S/o Suresh Yadav R/o vill - Manna Khudawand Nagar, ward no. 11, P.S. - Sarshi, Distt. - Purnia
 2. Sanoj Yadav S/o Suresh Yadav R/o vill - Manna Khudawand Nagar, ward no. 11, P.S. - Sarshi, Distt. - Purnia
 3. Kailash Kumar Yadav @ Kailash Yadav @ Kailash Kumar S/o Suresh Yadav R/o vill - Manna Khudawand Nagar, ward no. 11, P.S. - Sarshi, Distt. - Purnia
 4. Laltu @ Naresh Yadav @ Laltu @ Lalhu Yadav @ Lelhu @ Naresh Yadav S/o Late Uttam Lal Yadav R/o vill - Manna Khudawand Nagar, ward no. 11, P.S. - Sarshi, Distt. - Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Kumar S/o Late Chunni Lal Rajwanshi R/o vill - Manna Khudawand Nagar, P.s. - Sarshi, Distt. - Purnia

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dinesh Prasad Verma, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For the Respondent No.2:	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants, learned counsel for respondent no. 2 and learned Special Public Prosecutor 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 against the rejection of prayer for anticipatory bail vide order dated 10.05.2024 passed by the learned Special Judge SC/ST Act, Purnia in A.B.P. No. 23 of 2024, arising out of SC/ST Police Station Case No. 54 of 2023 registered for the offences punishable under Sections 341, 323, 325, 354, 307, 504/34 of the IPC and



Sections 3(1)(r)(s), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, the informant has alleged that the named accused persons/appellants, who are the family members, are said to have assaulted the informant and also abused him by taking his caste name. It is further alleged that when his mother and wife tried to intervene they all started assaulting them and used abusive language. It is also alleged that they even tried to disrobe the wife of the informant and assaulted his wife and she was taken to Purnia Sadar Hospital for treatment. It has been alleged that on account of one land dispute, which has been forcibly taken possession of by the appellants, the present incident had occurred.

4. Learned counsel for the appellants has submitted that the appellants have been falsely implicated in the present case and no such incident as alleged has occurred. It has been pointed out that the injury report has been brought on record through supplementary affidavit, wherein the nature of the injuries was found to be simple. It has further been submitted that there is general and omnibus allegation against all the appellants and as far as the allegation of abuse by taking the caste name is concerned, it is also not specific and the place of occurrence is said to be near the outside of the house of the informant. It has lastly been



submitted that the appellants have clean antecedent.

5. Learned counsel for the respondent no. 2 as well as learned Spl. PP have vehemently opposed the prayer for bail and has stated that the appellants have not only abused the informant by taking the caste name but has also assaulted them causing injury and hence then do not deserve the liberty of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 10.05.2024 is set aside.

7. The appeal is allowed.

8. Considering the facts and circumstances of the case and taking into account the nature of injury sustained as well as the general and omnibus allegation, let the appellants, above named, be released on anticipatory bail, in the event of their arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, Purnia in A.B.P. No. 23 of 2024, arising out of SC/ST Police Station Case No. 54 of 2023 as laid down under Section 438(2) of the Cr.P.C. read with corresponding Section 482(2) of the B.N.S.S. as well as subject to the following conditions:



(I) The appellant is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(II) The appellant shall not, in any manner, threaten, contact, or attempt to influence the informant/respondent no. 2 or any witness connected with this case.

9. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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