

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2988 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- GOPALPUR District- Gopalganj

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1. Basant Yadav, S/o Janardhan Chaudhary;
 2. Lalbabu Yadav, S/o Late Satya Naraian Yadav @ Satnarayan Yadav;
Both are R/o Village- Sawanahi Jagdish, P.S.- Gopalpur, Distt.- Gopalganj, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Punam Kumari, D/o Umesh Manjhi, R/o Village- Sawanahi Jagdish, P.S.- Gopalpur, Distt.- Gopalganj, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satyeshwar Prasad, Adv.
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Respondent No. 2:	:	Mr. Satyendra Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 07-11-2025 Heard the learned counsel for the parties.

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 bail *vide* order dated 02.05.2024 passed by the learned Addl. Sessions Judge-XI-Cum-Exclusive Special Judge under S.C./S.T. Act, Gopalganj (Bihar) in connection with Gopalpur P.S. Case No. 265 of 2023, dated 19.10.2023, registered for the offences punishable under Sections 341, 323, 324, 354(B), 379, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)



(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, the informant has alleged that while she was at her fields, the named accused persons including the appellants came there and started hurling abuse by taking her caste name. When the same was protested by the informant, it is alleged that the appellants molested her sister. It is further alleged that the accused persons inflicted knife injury on the hand of the informant. It has also been alleged that the named accused persons have assaulted the informant and also one Tara Kumari (sister of the informant) by means of iron rod, *lathi*, *danda* etc. and even tried to disrobe the informant. It has lastly been alleged that the accused/Paramhans Chaudhary snatched gold chain worth Rs. 21,000/-.

4. The learned counsel for the appellants has submitted that they have falsely been implicated in this case and no such incident as alleged has ever taken place. It has been submitted that the present case is a counter blast to the previous FIR lodged by the appellants being Gopalpur P.S. Case No. 264 of 2023. It has further been submitted that no case under the S.C/S.T. (POA) Act is being made out as, admittedly, the informant was alone at the fields when the said incident is said



to have taken place. It has been submitted that it was on account of a land dispute between the parties with regard to a sale-deed, which has been executed in favour of one Manager Manjhi, the present case has been lodged. It has lastly been submitted that the appellants carry clean antecedent.

5. The learned Spl. Public Prosecutor for the State as also the learned counsel for the respondent No. 2 have vehemently opposed the prayer for bail and have stated that there is allegation upon the appellants to have abused the informant by taking her caste name and have even assaulted the informant and her sister.

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 appellants, the impugned order dated 02.05.2024 passed by the learned Addl. Sessions Judge-XI-Cum-Exclusive Special Judge under S.C./S.T. Act, Gopalganj (Bihar), in connection with Gopalpur P.S. Case No. 265 of 2023, is set aside.

7. Accordingly, the above-named appellants are directed to be released on anticipatory bail, in the event of their arrest or surrender before the 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 Court below where the case is pending/successor Court in connection with Gopalpur P.S. Case No. 265 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of the B.N.S.S. as well as subject to the following conditions:

(i) The appellants are 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 appellants are liable to be cancelled.

(ii) The appellants shall not, in any manner, threaten, contact or attempt to influence the informant or any witness connected with the case.

8. The appeal stands allowed.

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

(Sourendra Pandey, J)

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