

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3144 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- FATEHPUR District- Gaya

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1. DILIP YADAV @ DILIP KUMAR YADAV SON OF ROHAN YADAV VILLAGE GANI PIPRA, PS- FATEHPUR, DIST- GAYA
 2. NANHU YADAV SON OF AASHO YADAV VILLAGE GANI PIPRA, PS- FATEHPUR, DIST- GAYA
 3. CHITAWAN YADAV @ CHITAWAN PRASAD YADAV SON OF RAM PRASAD YADAV VILLAGE GANI PIPRA, PS- FATEHPUR, DIST- GAYA
 4. DIMPLE YADAV @ DEEPAK PRASAD SON OF RAM PRASAD YADAV VILLAGE GANI PIPRA, PS- FATEHPUR, DIST- GAYA
 5. RAJ KUMAR @ RAJ KUMAR YADAV SON OF BALESHWAR YADAV VILLAGE GANI PIPRA, PS- FATEHPUR, DIST- GAYA
 6. SURESH YADAV SON OF DEWAKI YADAV VILLAGE GANI PIPRA, PS- FATEHPUR, DIST- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. BALKESHWAR MANJHI SON OF LATE KARU MANJHI RESIDENT OF VILLAGE- GANI PIPRA, PS- FATEHPUR, DIST- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar, Adv.
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 18-11-2025 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Ms. Usha Kumari 1.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 25.05.2023 in A.B.P. No. 171 of 2023 passed by the



learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Fatehpur P.S. Case No. 68 of 2023 registered for the offences punishable under Sections 341, 323, 504, 506, 308 and 34 of the Indian Penal Code as well as Sections 3(i)(r) (s) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 22.01.2023, the accused persons including the appellants came and started abusing him and thereafter Dilip assaulted him by *Khanti* causing injury on head, further Chitwan Yadav assaulted by rod causing injury on finger, thereafter Dilip again assaulted by *lathi* causing injury on back, on alarm, people gathered when they left threatening.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no reason or motive for the occurrence is alleged. It is next submitted that there is a land dispute in between the parties, as such, the informant falsely implicated the appellants. It is also submitted that the date of occurrence is 22.01.2023 and the FIR came to be



instituted on 28.01.2023 i.e. after a delay of six days. It is next submitted that though informant in the FIR alleges that he was under treatment, as such, the FIR could not be instituted in time, but then it is submitted that had it been a case of assault, in that event the hospital would have informed the police. It is also submitted that allegation of abusing by caste name is general and omnibus in nature. It is further submitted that even informant is aware that a false case has been instituted, as such, despite receiving notice chooses not to appear and contest.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 25.05.2023 in A.B.P. No. 171 of 2023 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Fatehpur P.S. Case No. 68 of 2023, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with



Fatehpur P.S. Case No. 68 of 2023 subject to the conditions as
laid down under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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