

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3177 of 2024

Arising Out of PS. Case No.-205 Year-2023 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. GANESH YADAV SON OF AYODHYA YADAV R/O- VILLAGE-BAHADUR NAGAR, P.S.- MUFASSIL DISTT.- MUNGER
 2. WAKIL YADAV SON OF AYODHYA YADAV R/O- VILLAGE-BAHADUR NAGAR, P.S.- MUFASSIL DISTT.- MUNGER
 3. ARJUN YADAV SON OF WAKIL YADAV R/O- VILLAGE- BAHADUR NAGAR, P.S.- MUFASSIL DISTT.- MUNGER
 4. SHAMBHU RAM SON OF SUNIL RAM R/O- VILLAGE- BAHADUR NAGAR, P.S.- MUFASSIL DISTT.- MUNGER
 5. KANHAIYA RAM SON OF SUNIL RAM R/O- VILLAGE- BAHADUR NAGAR, P.S.- MUFASSIL DISTT.- MUNGER
 6. RAM ESHWAR RAM SON OF BUCHI RAM R/O- VILLAGE-BAHADUR NAGAR, P.S.- MUFASSIL DISTT.- MUNGER

... .. Appellant/s

Versus

1. The State of Bihar
2. MAINA DEVI WIFE OF SUDAMA SADA R/O- VILLAGE- HAJIPUR TOLA, WARD NO. 01, P.S.- SAHEBPUR KAMAL, DISTT.- BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satish Chandra, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 07-11-2025 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Despite valid service of notice upon respondent no.

2, there is none to represent him.

3. 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 02.04.2024 passed by the learned Exclusive Special Judge SC/ST (POA) Act, Begusarai in A.B.P. No. 442 of 2024, arising out of Sahebpur Kamal Police Station Case No. 205 of 2023 registered for the offences punishable under Sections 143, 341, 323, 307, 504 and 379 of the IPC and Sections 3(1)(r)(s)(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. As per the prosecution case, the informant has alleged that all the named accused persons including the six appellants came to the house of the informant and started abusing her and her family members by taking their caste name thereafter started assaulting the family members with lathi, iron rods etc. and took away the household articles worth Rs. 12000/- and two mobile phones. It has been alleged that the reason behind the said assault was land dispute.

5. Learned counsel for the appellants submits that the appellants are innocent and no such incident as alleged has occurred. It has been submitted that the appellants have been falsely implicated on account of land dispute between the parties and there is a delay of three days in lodging of the FIR. It has been submitted that on plain reading of the FIR, it would be evident that there is general and omnibus allegations against all



not only in the case of assault but also hurling abuses upon the informant and others and as such no application of the relevant provisions of the SC/ST Act would be made out as admittedly the incident had occurred at the house of the informant. It has also been pointed out that there is case and counter case between the parties and subsequently, by the document brought by way of Annexure-P-3, the parties have compromised and the same has been filed before the court below. Lastly, it has been submitted that there is no criminal antecedent against the appellants.

6. Learned Spl. PP has vehemently opposed the prayer for bail and has submitted that there is an allegation upon the appellants to have assaulted the informant along with others and had even abused the informant.

7. In view of the aforesaid facts and circumstances of the case as well as taking into account the submissions advanced by the learned counsel appearing for the appellants the impugned order dated 02.04.2024 is set aside.

8. The appeal is allowed.

9. Considering the facts and circumstances of the case 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 Exclusive Special Judge SC/ST (POA) Act, Begusarai in A.B.P. No. 442 of 2024, arising out of Sahebpur Kamal Police Station Case No. 205 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 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 appellant are liable to be cancelled.

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

10. 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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