

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2917 of 2025

Arising Out of PS. Case No.-144 Year-2024 Thana- SAHPUR District- Patna

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1. Dipak Kumar @ Dipak Yadav @ Dipak S/o- Damodar Yadav @ Damodar Ray Village- New Hetanpur Ps- Shahpur Dist- Patna
 2. Chhotu Yadav @ Chhotu Kumar S/o- Damodar yadav @ Damodar Ray Village- New Hetanpur Ps- Shahpur Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhiraj Kumar S/o- Jag Jivan Das @ Jagjivan Das Village- New Hetanpur Ps- Shahpur Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sunil Kumar
For the State	:	Mr.Usha Kumari 1
For the O. P. No. 2		Mr. Saurav Suman
		Mr. Adil Abbas
		Mr. Vishal Kumar Suman
		Mr. Syed Mohammad IbrahimQuli
		Mr. Dharam Deepak Vishwash

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 18-12-2025 1. Heard learned Counsel for the appellants, learned Counsel for the Opposite Party No. 2 and learned Additional Public Prosecutor for the State.
2. An order, dated 03.03.2025 passed by learned Exclusive Special Judge, SC/ST Act, Patna, in A.B.P. No. 690 of 2025, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants



in connection with Shahpur Police Station Case No. 144 of 2024, dated 16.04.2024, registered for the offences punishable under Sections 341/323/324/504/506/34 of the Indian Penal Code and Sections 3 (1) (r) (s)/3 (2) (va) (w) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that the appellants belong to schedule caste community and the appellant no. 2 used to make vulgar talks with the sister of the informant on phone, the recording of which is available. When the informant came to know about this, on 12.04.2024, he proceeded towards the house of the appellants where the appellants, along with other accused persons, stopped the informant, abused him by taking his caste name. It has further been alleged that the informant was assaulted by the appellants, due to which he sustained injury.
4. Learned Counsel appearing on behalf of the appellants submits that both the parties are co-villagers and actually the dispute took place due to the fact that the cattle of the informant entered into the field of the appellants for grazing and upon protest, only hot exchange of words



took place between the appellants and the informant.

There is no allegation that the appellants took the caste name in the full public view. No serious injury has been caused to the informant. Charge sheet has not been filed under Section 307 of the Indian Penal Code.

5. On the other hand, learned Counsel for the informant/ Opposite Party No. 2 opposes the prayer for anticipatory bail and submits that there is specific allegation against the appellants that they along with other accused persons assaulted and abused the informant. The allegation made in the First Information Report *prima facie* discloses offence punishable under Sections 3 (1) (r) (s)/3 (2) (va) (w) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers, there appears to be previous dispute between them and the dispute regarding grazing of the crops of the appellants by the cattle of the informant, charge sheet has not been filed under Section 307 of the Indian Penal Code and no serious injury has been brought on record by the prosecution, I am inclined



to grant anticipatory bail to the appellants.

- 7. Accordingly, this appeal is allowed and the order, dated 03.03.2025, passed in A.B.P. No. 690 of 2025, by learned Exclusive Special Judge, SC/ST Act, Patna, is set aside.
- 8. Let the appellants, above named, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Patna, in connection with Shahpur Police Station Case No. 144 of 2024, subject to the condition laid down under Section 482 (2) of the Code of Criminal Procedure, 1973.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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