

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3843 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- SATHI District- West Champaran

Kishore Yadav S/o- Chakat Yadav Resident of Village-Mushaharwa, Ward
No. 4, Police Station- Sathi, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Sah son of Makhmali Sah Village- Mushaharwa Ps- Sathi Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Shiv Kumar Dwivedi, Advocate
For the respondent no.2	:	Ms. Arpita Shandilya, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 07-11-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the respondent no.2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 19.07.2024 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Sathi P.S. Case No. 100 of 2024 registered under Sections 341, 323, 324, 307, 354(B), 504 and 506 of the Indian Penal Code and Section 3(1) (r) (w) (x) (s) 3 (2) (va) of



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The case of the prosecution is that on account of a dispute for vacating land, a dispute had taken place between the informant and the accused persons including the present appellant whereafter they indulged in hurling abuses and causing assault.

4. It is submitted by learned counsel for the appellant that it would be apparent from a bare perusal of the first information report that the case arises out of a land dispute and there is counter case filed on the side of the accused persons (Annexure-2). As a matter of fact, the mother of respondent no.2 sustained injury in the said transaction. It is further submitted that so far as the injury of the informant is concerned, the same is simple in nature caused by hard and blunt substance. Moreover, it is a dispute between the neighbours and the appellant has no criminal antecedent. It is further submitted that a compromise has also been entered into between the parties.

5. Learned Spl. PP for the State and learned counsel for the respondent no.2 have opposed the prayer for anticipatory bail. However, learned counsel for the respondent no.2 concedes to the fact that a compromise has been entered into between the



parties.

6. Taking into consideration the facts and circumstances of the case, the rival contentions of the parties, in the background of land dispute between the two neighbours *prima facie* no offence under SC/ST Act is made out and also the fact that the parties have compromised the matter, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Sathi P.S. Case No.100 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./Section 482 (2) of the BNSS, with a further condition that the appellant will cooperate in the investigation/trial.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Soni Shrivastava, J)

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