

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3922 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- KADWA District- Katihar

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1. Awdhesh Yadav @ Abadhesh Kumar Yadav @ Avdesh Kumar Yadav S/O Hira Lal Yadav R/O Village- Vindhabari, P.S- Kadwa, Distt.- Katihar.
 2. Mithlesh Yadav @ Mithlesh Kumar S/O Suresh Yadav R/O Village- Vindhabari, P.S- Kadwa, Distt.- Katihar.
 3. Munna Yadav @ Nawneet Kumar S/O Late Yogendra Yadav R/O Village- Vindhabari, P.S- Kadwa, Distt.- Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumiti Devi W/O Dhan Lal Mahaldar R/O Village- Vindhabari, P.S- Kadwa, Distt.- Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Helal Ahmad
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Special Public Prosecutor for the State.

2. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 18.07.2024, passed by learned A.D.J. 1st cum-Special Judge, SC/ST Act, Katihar in connection with Kodwa P.S. Case No. 124 of 2024, registered under Sections 341, 323, 324, 325, 307, 354, 380, 447, 448, 504, 506/34 of the IPC and



Sections 3(2) (va)(g) of SC/ST Act.

3. The allegation in the first information report is that on account of a with regard to restricting the informant's husband from constructing house on the land, the appellants are said to have hurled abuses and also assaulted the informant.

4. Learned counsel for the appellants submits that it would be evident from the first information report itself that there was a bonafide dispute with regard to the land upon which the informant was making the construction and he has also brought on record the land related document to show his title over the same. It has further been submitted that there is an ornamental allegation of taking away cash and ornaments and so far as the caste based abuse is concerned, the same is also a superimposition in order to make the case serious. It is further submitted that there is a case and counter case and the case filed on behalf of the appellants has been annexed as Annexure-4 to the present appeal and the injuries suffered by the appellant no. 3 has also been brought on record which shows that one of the injury is also grievous in nature while the injury suffered on the side of the informant is simple.

5. Learned Spl.PP for the State and learned counsel for the respondent no. 2 have opposed the prayer for anticipatory



bail on the grounds of assault being made and abuses being hurled.

6. In the background of the land dispute and a case and counter case between the parties, it appears that prima facie no offence under the provisions of SC/ST Act is made out.

7. Taking into consideration the facts and circumstances and also considering that the incident has arisen out of a land dispute and there is case and counter case between the parties and the injuries have been suffered on both the sides, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J. 1st cum-Special Judge, SC/ST Act, Katihar in connection with Kodwa P.S. Case No. 124 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Soni Shrivastava, J)

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