

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4240 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- SURYAGARHA District- Lakhisarai

1. Mukesh Kumar @ Mukesh Yadav Son of Late Dasrath Yadav @ Dashrath Yadav Resident of Village - Kharra, Alinagar, P.S. - Surajgarha, District - Lakhisarai
2. Ashok Yadav Son of Late Dasrath yadav @ Dashrath Yadav Resident of Village - Kharra, Alinagar, P.S. - Surajgarha, District - Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Khesari Ram Son of Late Bhullu Ram Resident of Village - Kharra, P.S. - Surajgarha, District - Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Khushi Awadh
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-11-2025 Heard learned Advocate for the appellants and the
learned Spl. P.P. for the State.

2. The appellants, by invoking the jurisdiction under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred to as the “SC/ST Act”), seeks quashing of the order dated 08.08.2024 passed in ABA No. 833 of 2024 by the learned court of Additional District and Sessions Judge-I, Lakhisarai, whereby prayer for anticipatory bail of the appellants in connection with Surajgartha P.S. Case No. 69 of 2024, registered for the offences punishable under Sections 147, 148,



149, 448, 341, 323, 324, 307, 354, 379, 427, 504 and 506 of the Indian Penal Code and Section 3(i)(r), 3(i)(s), 3(2)(va) of the SC/ST (POA) Act, 1989, stood rejected.

3. Allegedly, on the fateful day, the appellants along with 12 others and 15-20 unknown persons entered into the house of the informant and started abusing and assaulting him by taking his caste name. It is further alleged that co-accused Nandan Yadav, Manish Yadav and Tinku Kumar have assaulted the informant and other family members due to which they sustained injuries. Accused persons also dismantled the house of the informant and snatched the valuables.

4. Learned Advocate for the appellants, referring to the FIR, primarily contended that besides the omnibus nature of allegation, the entire occurrence, as alleged in the FIR, took place inside the house of the informant and even if the allegation is taken to be true, admittedly, the same has not been done to lower down the prestige of the informant, hence no offence muchless under the penal provisions of the SC/ST Act is made out. There is no specific allegation against the appellants, however, only on account of past criminal antecedent, as has been disclosed in para-3, the names of the appellants have been implicated in this case. It is further submitted that out of 10



criminal cases, in four of the cases, the appellants have been acquitted and in one case, the appellants have not been sent up for trial.

5. On the other hand, learned Spl. PP for the State vehemently opposed the prayer of the appellants and submitted that the appellants have actively participated in the crime and abused and assaulted the informant and his family members. It has further been informed to this Court that in pursuant to the direction of this Court, the respondent No. 2 was informed with regard to the pendency of the present case, however no one appeared on his behalf.

6. Having considered the omnibus nature of allegation, coupled with the submissions advanced by the learned Advocate for the appellants that the entire incidence took place within the premises of the house of the respondent No. 2 and, *prima facie*, the same has not been done in order to lower down his reputation, let the above named appellants, be released on 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 bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I, Lakhisarai in



connection with Surajgarha P.S. Case No. 69 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the appellants.

7. In view thereof, the impugned order dated 08.08.2024 passed in ABA No. 833 of 2024 is hereby quashed. The appeal stands allowed.

(Harish Kumar, J)

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