

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.4355 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- SURYAGARHA District- Lakhisarai

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1. Raju Kumar Son of Sadhu Yadav Resident of Village-Sitarampur, P.S-
Suryagarah, Distt.- Lakhisarai
 2. Sadhu Yadav Son of Late Jalo Yadav Resident of Village-Sitarampur, P.S-
Suryagarah, Distt.- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Kamla Devi Wife of Birju Tanti Resident of Village- Sitarampur, P.S.-
Suryagarha, Distt.- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Udbhav
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 21-01-2025 1. Heard learned counsel for the appellant and learned

Additional Public Prosecutor for the State.

2. An order, dated 11.07.2024, passed by learned Additional District and Sessions Judge I cum Special Judge (SC/ST) Act, Lakhisarai, in ABP No. 485 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Suryagarha Police Station Case No. 142 of 2024 registered for the offence punishable under Sections 341, 323, 504, 452, 506, 34 of the Indian Penal Code and Section 3 (i)(r)(s) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.



3. Learned counsel for the appellant submits that appellant no. 1 has been arrested by the police during the pendency of this appeal and this appeal, so far as appellant no. 1 is concerned, has become infructuous.

4. Accordingly, this appeal, so far as appellant no. 1 is concerned, is dismissed as having become infructuous.

5. This appeal will now survive only for appellant no. 2.

6. With the consent of the parties, the same is being heard under the heading 'For Admission'.

7. As per the FIR, on 28.04.2024, the appellant no. 2 along with other accused persons entered into the house of the informant and assaulted her for which a complaint was made by the informant for registration of an FIR. On 29.04.2024, they again entered into the house of the informant, abused her and pressurized her to withdraw the FIR failing which she would be killed.

8. Learned counsel for the appellant submits that a false case has been lodged by the informant due to previous dispute as both the parties reside in the same locality. The allegation of abuse by caste name is not in the full public view and from perusal of the FIR, it appears that the same was



allegedly made inside the house of the informant. The informant is member of the *tanti-tatva* community which would be evident from the title of her husband. Tanti-tatva community is not one of the communities under the list of scheduled caste.

9. Learned counsel for the informant opposes the prayer for bail and submits that there is specific allegation against the appellant and others that they entered into the house of the informant and abused her and also assaulted her on the date of occurrence and one day prior thereto.

10. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are neighbors having previous dispute, the caste name was not taken in full public view, as such, I am inclined to grant the appellant no. 2 privilege of anticipatory bail.

11. This appeal is, accordingly, allowed and the order, dated 11.07.2024, passed by learned Additional District and Sessions Judge I cum Special Judge (SC/ST) Act, Lakhisarai, in ABP No. 485 of 2024, is set aside.

12. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail 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
cum Special Judge (SC/ST) Act, Lakhisarai, in connection with
Suryagarha Police Station Case No. 142 of 2024, subject to the
condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Anil Kumar Sinha, J)

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