

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4464 of 2024**

Arising Out of PS. Case No.-212 Year-2024 Thana- AMAS District- Gaya

Dwarika Yadav @ Dawarika Yadav @ Dwarika Prasad Son of Late Nanak Yadav @ Late Mahavir Yadav R/O- Village-Maliyachak Mahuavan, P.S.- Amas, Distt.- Gaya

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Tapeswar Manjhi Son of Late Mahangu Anjhi Resident of Vilalge- Purushottampur, P.S.- Shyam Nagar Nima, P.S.- Amas, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh, Advocate
For the Res. State : Mr. Binay Krishna, Special PP
For the Res. No. 2 : Md. Javed Jafar Khan, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 17-11-2025

Heard learned counsel for the appellant, learned counsel for the informant/respondent no.2 as well as learned special PP for the State.

2. The present appeal has been preferred by the appellant under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by order dated 12.08.2024 passed by learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Gaya in connection with Amas P.S. Case No. 212 of 2024 registered for the alleged offence under Sections 115(2), 191(2), 190/76 of Bharatiya Nyaya



Sanhita, 2023 and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellant with his five associates came on the land of the informant and tried to plough it. When the informant opposed, he was assaulted. Even the daughter of the informant was also assaulted causing fracture of her head.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. There is land dispute between the parties as the wife of appellant purchased the land in question vide registered sale deed no. 5159, Book No. 1, *Jild* No. 72, Page No. 387 to 395 on 05.09.2020 for consideration amount of Rs. 1,80,000/-. Mutation was also made in the name of wife of the appellant and rent receipts are being issued. The informant and his family members came to the said land, claimed it to be theirs and assaulted the appellant causing injuries to him. For this, Amas P.S. Case No. 211 of 2024 has been lodged under Sections 115, 191(2), 190, 303(2) and 118 of BNS. In this assault, the appellant has received injury on his head and injury report has been annexed. Learned counsel further submits that the allegation of assault and abuse with caste name is completely



false and concocted. The occurrence did not take place in public view and as such, no offences under Section 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act are made out against the appellant. Learned counsel reiterates that the appellant is legal and valid owner of the land in question and he has all the bonafide documents to prove it and the present case is nothing but counterblast of the case lodged by the appellant. The appellant has criminal history of one case in which he is on bail.

5. Learned Special PP as well as learned counsel for the informant/respondent no. 2 vehemently oppose the submission made on behalf of the appellant. Learned counsel for the respondent no. 2 submits that there is specific allegation of assault and taking caste name against the appellant and others.

6. Perused the record.

7. Having regard to the aforesaid facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation in the background of dispute and further considering the possibility of false accusation, let the appellant above named, in the even of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Gaya in connection with Amas P.S. Case No. 212 of 2024, subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.

8. Accordingly, the impugned order dated 12.08.2024 is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2025
Transmission Date	19.11.2025

