

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4632 of 2024

Arising Out of PS. Case No.-105 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

1. Rameshwar Yadav @ Ram Iswar Yadav Son of Vineshwar Yadav Resident of Village- Natesar, Post -Jharna Saran, PS -Nimchak Bathani, District- Gaya
2. Ravi Kumar @ Ravi Yadav Son of Vineshwar Yadav Resident of Village- Natesar, Post -Jharna Saran, PS -Nimchak Bathani, District- Gaya
3. Usha Devi Wife of Vineshwar Yadav Resident of Village- Natesar, Post -Jharna Saran, PS -Nimchak Bathani, District- Gaya
4. Giyant Devi @ Gayanti Wife of Rameshwar Yadav @ Ram Iswar Yadav Resident of Village- Natesar, Post -Jharna Saran, PS -Nimchak Bathani, District- Gaya
5. Shobha Devi Wife of Ravi Kumar Resident of Village- Natesar, Post -Jharna Saran, PS -Nimchak Bathani, District- Gaya
6. Anuj Yadav @ Anuj Kumar Son of Vineshwar Yadav Resident of Village- Natesar, Post -Jharna Saran, PS -Nimchak Bathani, District- Gaya
7. Vijay Yadav @ Vijay Kumar Son of Late Bhagwat Prasad @ Bhagwat Yadav Resident of Village- Natesar, Post -Jharna Saran, PS -Nimchak Bathani, District- Gaya
8. Rajesh Yadav @ Rajesh Kumar Son of Late Bhagwat Prasad @ Bhagwat Yadav Resident of Village- Natesar, Post -Jharna Saran, PS -Nimchak Bathani, District- Gaya
9. Amin Yadav Son of Late Naurangi Yadav Resident of Village- Natesar, Post -Jharna Saran, PS -Nimchak Bathani, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Harender Choudhary Son of Late Swaroop Chaudhary Resident of Village- Natesar, Post -Jharna Saran, PS -Nimchak Bathani, District- Gaya

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Deepak Kumar, Advocate Mr. Rajiv Ranjan, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	Mr. Ranjay Kumar, Advocate Ms. Chhateshwari Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 25-09-2025

Heard learned counsel appearing for the appellants,



learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2.

2. At the outset, learned counsel appearing on behalf of the appellants seek permission to withdraw this anticipatory bail application on behalf of Appellant Nos. 1 and 8, namely Rameshwar Yadav and Rajesh Yadav, as during pendency of this case, Appellant Nos. 1 and 8 have already been arrested and the same has become infructuous.

3. Permission, as prayed for, is accorded.

4. Accordingly, this anticipatory bail application with regard to Appellant Nos. 1 and 8 stands dismissed as withdrawn.

5. This appeal has been filed for setting aside order dated 28.08.2024 passed in a case registered for the offence punishable under Sections 147, 148, 149, 447, 323, 354A, 379, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

6. The prosecution case, in brief, is that on 31.07.2018 at about 7 PM, all the F.I.R. named accused persons, including these appellants, entered the house of informant and abused informant and his family members by caste based slurs.



It is further alleged that the accused persons assaulted them by means of *lathi*.

7. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, the present case is counter-blast of Nimchak Bathani P.S. Case No. 104 of 2018 which was lodged by the appellants' side prior to institution of the present case. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. Doctor has opined the injuries, sustained by the injured, as simple in nature. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants.

8. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed this appeal.

9. Considering the facts and circumstances of the case, case and counter-case, general and omnibus nature of



accusation and nature of injuries sustained by the injured, this appeal is allowed and the impugned order dated 28.08.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with A.B.P. No. 267 of 2024 arising out of Nimchak Bathani P.S. Case No. 105 of 2018 is hereby set aside with respect to Appellant Nos. 2, 3, 4, 5, 6, 7 and 9, above named.

10. Accordingly, let Appellant Nos. 2, 3, 4, 5, 6, 7 and 9, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 Exclusive Special Judge, SC/ST Act, Gaya in connection with Nimchak Bathani P.S. Case No. 105 of 2018.

11. With the aforesaid directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

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