

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3907 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- SC/ST District- Aurangabad

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1. Sanjay Yadav, Male, aged about 25 years, Son of Lakhan Yadav, R/o Village - Patharpur @ Pashraur, P.S. - Haspura, Dist. - Aurangabad.
 2. Jitendra Kumar @ Jitendra Yadav, Male, aged about 20 years, Son of Chaneswar Yadav, R/o Village-Patharpur, P.S.-Haspura, Dist.- Aurangabad.
 3. Satendra Yadav, Male, aged about 22 years, Son of Chaneswar Yadav, R/o Village - Patharpur, P.S. - Haspura, Dist. - Aurangabad.
 4. Chaneswar Yadav, Male, aged about 55 years, Son of Rajdev Yadav, R/o Village - Patharpur, P.S. - Haspura, Dist. - Aurangabad.
 5. Mukesh Kumar, Male, aged about 25 years, Son of Shankar Yadav R/o Village - Patharpur, P.S. - Haspura, Dist. - Aurangabad.

... .. Appellants

Versus

1. The State of Bihar
2. Nirbha Devi, Female, aged about 25 years, Wife of Sujit Paswan, R/o Village - Patharpur, P.S. - Haspura, Dist. - Aurangabad.

... .. Respondents

Appearance :

For the Appellants	:	Mr.Amit Anand, Advocate
For the Respondent No. 2:	:	Mrs. Mukul Kumari, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 11-11-2025 Learned counsel for the appellants seeks permission to withdraw the prayer for anticipatory bail application filed on behalf of the appellant no. 1, namely, Sanjay Yadav, in connection with Aurangabad (SC/ST) P.S. Case No. 24 of 2025, pending in the court of learned District and Additional Sessions Judge-Ist-cum-Special Judge (SC/ST, NDPS & Children Act), Aurangabad.



2. Permission is accorded.

3. Accordingly, the prayer for anticipatory bail application filed on behalf of the appellant no. 1, namely, Sanjay Yadav, is dismissed as withdrawn.

4. Heard learned counsel for the appellant nos. 2 to 5, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

5. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal for prayer of anticipatory bail of the appellant nos. 2 to 5 vide order dated 26.08.2025, passed by the learned District and Additional Sessions Judge-1st-cum-Special Judge, (SC/ST, NDPS & Children Act), Aurangabad, arising out of Aurangabad (SC/ST) P.S. Case No. 24 of 2025, registered for the offences punishable under Sections 115(2), 126(2), 109, 352, 351(2), 191(2) and 190 of the B.N.S., 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA) Act.

6. The prosecution case, in brief, is that on 26.06.2025 at about 6.30 P.M. in the evening, the mother-in-law and the husband of the respondent no. 2 were returning after grazing



their buffalo, in the meantime, their buffalo went adjacent to the field in which *Bihan* crops were planting, thereafter, her mother-in-law started pulling out her buffalo from the field, in the meantime, the co-accused persons, Maheshwar Yadav, Gupteshwar Yadav, Sunil Yadav, Anil Yadav, Rabindra Yadav, Sanjay Yadav, Mukesh Kumar (appellant no. 5), assaulted the mother-in-law and sister-in-law (Nanad) of the respondent no. 2. When the husband of the respondent no. 2 and the respondent no. 2 went to save her mother-in-law and sister-in-law (Nanad) the aforesaid accused persons also assaulted them. It is further alleged that Chaneswar Yadav (appellant no. 4), Satendra Yadav (appellant no. 3) and Jitendra Yadav (appellant no. 2) assaulted the informant with the Lathi and Tangi on her head, due to which, her head broken and they also abused by calling her caste name. It is further alleged that in the said scuffle, the accused persons brutally assaulted the father-in-law and the mother-in-law of the informant, due to which, they sustained injuries. The injured persons were treated at Referral Hospital, Huspura.

7. It is submitted by learned counsel for the appellant nos. 2 to 5 that they are quite innocent and have falsely been implicated in the present case due to ulterior motive. There is



general and omnibus allegation against them. It is further submitted that there is no any specific allegation of abuse and assault against them. It is further submitted that the respondent no. 2 and her husband have been examined and the doctor has found simple injury. It is further submitted that in fact, the paddy crops of the appellants were grazed and ruined by the buffalo of the respondent no. 2 and when the brother of the appellant no. 3, namely, Chaneswar Yadav, went to talk with the mother-in-law of the respondent no. 2 regarding damage caused by her buffalo then she became angry and lodged the present case. The appellant nos. 2 to 5 have clean antecedent as stated in paragraph no. 3 of the memo of appeal. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellant nos. 2 to 5.

8. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant nos. 2 to 5.

9. In view of the aforesaid facts and circumstances of the case, the impugned order dated 26.08.2025, passed by learned District and Additional Sessions Judge-Ist-cum-Special Judge (SC/ST, NDPS & Children Act), Aurangabad, arising out



of Aurangabad (SC/ST) P.S. Case No. 24 of 2025, is set aside against the appellant nos. 2 to 5. The criminal appeal is allowed.

10. Accordingly, the above named appellant nos. 2 to 5 (except appellant no. 1, namely, Sanjay Yadav), in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-Ist-cum-Special Judge (SC/ST, NDPS & Children Act), Aurangabad in connection with Aurangabad (SC/ST) P.S. Case No. 24 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S., 2023.

(Chandra Prakash Singh, J)

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