

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No 4961 of 2024**

Arising Out of PS. Case No.-236 Year-2024 Thana- BAUNSI District- Banka

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1. Laddu Yadav Son of Babulal Yadav Resident of village - Gangta, Ps- Bounsi, Dist- Banka
  2. Guddu Yadav @ Prabhu Yadav son of Babulal Yadav Resident of village - Gangta, Ps- Bounsi, Dist- Banka
  3. Bachchu Yadav @ Gujo Yadav son of Mallu Yadav Resident of village - Gangta, Ps- Bounsi, Dist- Banka
  4. Nandlal Yadav son of Shivilal Ydav Resident of village - Gangta, Ps- Bounsi, Dist- Banka
  5. Gauri Yadav @ Gouri Yadav Son of Rajendra Yadav @ Bagro Yadav Resident of village - Gangta, Ps- Bounsi, Dist- Banka
  6. Yogi Yadav @ Yogindar Yadav son of Prasadi Yadav Resident of village - Gangta, Ps- Bounsi, Dist- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Devi Wife of Bisan Moholi Resident of village - Gangta, PS- Bounsi, Dist- Banka

... .. Respondent/s

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**Appearance :**

|                     |   |                              |
|---------------------|---|------------------------------|
| For the Appellant/s | : | Mr Balram Kapri, Advocate    |
| For the S t a t e   | : | Mr Binay Krishna, Special PP |
| For Respondent No 2 | : | Mr Vibhakar Kumar, Advocate  |

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**CORAM: HONOURABLE MR JUSTICE RAJIV ROY**

**ORAL ORDER**

**3      12-11-2025**                      Heard Mr Balram Kapri, learned counsel for the appellants, Mr Binay Krishna, learned Special PP and Mr Vibhakar Kumar, learned counsel representing respondent No 2.

**2** The present appeal has been preferred for setting aside the order dated 23.09.2024 passed in ABP No 1038 of 2024 arising out of Bounsi PS Case No 236 of 2024 dated



20.07.2024 instituted under Sections 126 (2), 115 (2), 118 (1), 352, 351 (2), 326 (g), 3 (5) of BNS, 2023 and under Sections 3 (i) (r) (s) of SC/ST (Prevention of Atrocities) Act, by learned Additional Sessions Judge I -cum- Special Judge, SC/ST (POA) Act, Banka whereby and where under the prayer for anticipatory bail of the appellants was rejected.

**3** As per the prosecution story, the informant alleged that the accused persons, named in the First Information Report, came and, after taking caste name, told why criminal case has been lodged for petty quarrel among the children. She was assaulted causing injury near her right eye. When the uncle-in-law came to save her, he was also assaulted causing head injury. Lastly, they put the hut on fire. This led to the institution of the FIR.

**4** Learned counsel for the appellants submits that though allegation of taking caste name is there, there is nothing on record to show that it is in public domain. The injury has been found to be simple in nature and case diary clearly shows that the police has not recorded anything about the burning of the hut and lastly, it is submitted that the appellants are ready to pay cost of Rs 5,000/- each (total Rs 30,000/-) to the informant.

**5** Learned counsel for respondent No 2 opposes the



prayer submitting that not only caste name taken, she was assaulted and later the hut was put on fire.

6 Taking into consideration the submission as also the fact that the appellants do not have criminal antecedent, the case diary does not show anything upon the burning of the hut, prima facie, SC/ST Act is not attributed. It is not clear that the occurrence was made in public domain. Injury has been found to be simple in nature. In that background, this Court is inclined to grant anticipatory bail to the appellants subject to payment of cost of Rs 5,000/- each (total Rs 30,000/-) to the informant.

7 Let the appellants above named, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, SC/ST (POA) Act, Banka in Bounsi PS Case No 236 of 2024 dated 20.07.2024 subject to the conditions as laid down in Section 482 of the BNSS 2023 as also the following conditions:

***(i) One of the bailors should be the family member/relative of the appellants who shall provide official document to show his/her bona fide;***

***(ii) The appellants shall appear on***



*each and every date before the learned trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the trial Court itself;*

*(iii) The appellants shall appear before the concerned Police Station every fortnight for the next six months to make their attendance and at the end of the period, a certificate be submitted before the trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;*

*(iv) The appellants shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and*

*(v) The appellants shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.*

8 Accordingly, this appeal is allowed and the order dated 23.09.2024 passed in ABP No 1038 of 2024 by Additional Sessions Judge -cum- Special Judge, SC/ST (POA) Act, Banka is set aside.

(Rajiv Roy, J)

M.E.H./-

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