

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5198 of 2024

Arising Out of PS. Case No.-276 Year-2024 Thana- TILAUTHU District- Rohtas

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1. Abhimanyu Kumar @ Mannu Yadav @ Manu Yadav Son of Triveni Yadav Resident of Village- Bahera, P.S.- Tilauthu, District- Rohtas
 2. Ramvati Devi Wife of Triveni Yadav Resident of Village- Bahera, P.S.- Tilauthu, District- Rohtas
 3. Triveni Yadav Son of Late Maldhani Yadav Resident of Village- Bahera, P.S.- Tilauthu, District- Rohtas
 4. Ram Subhash Yadav @ Subhash Yadav Son of Late Yamuna Yadav Resident of Village- Bahera, P.S.- Tilauthu, District- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Sikandar Paswan Son of Dukhi Ram Resident of Village- Bahera, P.S.- Tilauthu, District- Rohtas

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Shashi Kant, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	Mr. Dharmendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-03-2025 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 19.10.2024, passed in a case registered for the offence punishable under Sections 126(2), 115(2), 109, 352, 351(2) and 3(5) of the B.N.S. and Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

3. The prosecution case, in brief, is that while



daughter of informant was returning from her coaching in the meantime, Appellant No. 1 started teasing her on which informant went to house of accused to make complaint then, Appellant Nos. 3 and 4 abused him by caste name and assaulted him. It is further alleged that when son of informant came to save him, he was also assaulted.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are innocent and has falsely been implicated in this case. As a matter of fact, land of informant was ploughed by tractor of appellants and when appellants requested for payment of the fare, they were brutally assaulted for which a case bearing Tilauthu P.S. Case No. 279 of 2024 was lodged against informant and others. Allegation of assault is general and omnibus. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out.

5. On the other hand, learned S.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to these appellants.

6. Considering the aforesaid facts and circumstances



of the case, this appeal is allowed and the impugned order dated 19.10.2024 passed by the Court of learned Additional District and Sessions Judge-XVII-cum-Special Court, Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, Sasaram, Rohtas in connection with Tilauthu P.S. Case No. 276 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, 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 Additional District and Sessions Judge-XVII-cum-Special Court, SC/ST Act, Sasaram, Rohtas in connection with Tilauthu P.S. Case No. 276 of 2024.

(Prabhat Kumar Singh, J)

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