

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5348 of 2024

Arising Out of PS. Case No.-157 Year-2024 Thana- ASHTHAWAN District- Nalanda

Bidya Pati Yadav S/O Ranjeet Yadav R/O Village- Rajawa, P.S- Asthawan,
District- Nalanda

... .. Appellant

Versus

1. The State of Bihar
2. Sitaram Ravidas S/O Gajju Ravidas R/O Village- Rajawa, P.S- Asthawan,
District- Nalanda

... .. Respondent

Appearance :

For the Appellant/s : Mr.Raj Kishor Prasad, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-11-2025 Heard learned counsel appearing on behalf of the

appellant and learned Spl. PP appearing for the State.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Act”) against the refusal of prayer for anticipatory bail vide order dated 28.10.2024 passed by the learned Additional Sessions Judge-6th-cum-Spl. Judge, SC/ST (POA) Act, Nalanda at Biharsharif in connection with Asthawan P.S. Case No. 157 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 117(2),



109, 352, 351(2), 303(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short the “B.N.S.”) and section 3(1)(r)(s), (2)(v) of SC/ST (POA) Act.

3. As per FIR, the appellant assaulted the informant and his family members on intervening night of 12.07.2024 during the marriage function and also snatched mobile and cash of Rs. 20,000/-.

4. It is submitted by learned counsel appearing on behalf of the appellant that due to certain hot exchange of words during marriage ceremony the present occurrence took place, as it is apparent from FIR. It is submitted that allegation of abusing by taking caste name not appears available against the appellant. It is submitted that from facial perusal of FIR, allegation of causing physical assault is also appearing very much general and omnibus against the appellant. It is also submitted that injured Mithun Kumar and other injured received simple injury during the occurrence, which negate prima facie intention to cause death. It is also submitted that allegation of snatching of mobile and cash of Rs. 20,000/- is just to aggravate the allegation.



5. Arguing further, it is submitted by learned counsel appearing for the appellant that even the face of FIR suggests that the occurrence took place due to certain dispute arising on the occasion of marriage function suggesting that the present occurrence was not taken place out of atrocities arising out of SC/ST (POA) Act, 1989. Appellant is said to be a man of clean antecedent.

6. Mr. Binay Krishna, learned Spl.P.P. for the State, while opposing the prayer of anticipatory bail of the appellant, submitted that appellant actively involved in the present occurrence.

7. In view of aforesaid factual submission and by taking note of the fact as allegation of physical assault is appearing very much general and omnibus against the appellant, where abusing by caste name as per FIR is not available *qua* appellant, coupled with the fact that FIR itself suggests that the occurrence was not taken place out of atrocities as defined within the meaning of SC/ST (POA) Act, 1989, accordingly, above-named appellant, who is a man of clean antecedent, in the event of his arrest/surrender within a



period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -6th-cum-Spl. Judge, SC/ST (POA) Act, Nalanda at Biharsharif/concerned court in connection with Asthawan P.S. Case No. 157 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

8. Accordingly, impugned order dated 28.10.2024 as passed through A.B.P. No. 1807/2024 arising out of Asthawan P.S. Case No. 157 of 2024 is hereby set-aside.

9. Hence, this appeal stands allowed.

(Chandra Shekhar Jha, J)

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