

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.13 of 2024

Arising Out of PS. Case No.-385 Year-2023 Thana- BELAGANJ District- Gaya

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- 1 . Girja Yadav @ Girij Yadav Son Of Ramchandra Yadav Resident Of Village - Dadhava Pokhar, P.S. - Belaganj, District - Gaya
 2. Devbali Yadav Son Of Ramchandra Yadav Resident Of Village - Dadhava Pokhar, P.S. - Belaganj, District - Gaya
 - 3 . Rampravesh Yadav Son Of Late Kali Yadav Resident Of Village - Dadhava Pokhar, P.S. - Belaganj, District - Gaya
 4. Dinesh Yadav Son Of Late Kali Yadav Resident Of Village - Dadhava Pokhar, P.S. - Belaganj, District - Gaya
 - 5 . Kosami Devi Wife Of Devbali Yadav Resident Of Village - Dadhava Pokhar, P.S. - Belaganj, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Surendra Chaudhary Son Of Late Karu Chaudhary Resident Of Village - Dadhava Pokhar, P.S. - Belaganj, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailesh Kumar , Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
Dor respondent No. 2	:	Mr. Praveen Kumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-07-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 05.10.2023 passed in a case registered for the offence punishable under sections 341, 323, 324, 354 (B), 504, 427, 379, 147, 149 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant alleged



that on the alleged date and time of occurrence , all the accused persons came at the house of informant and started demolishing the house of informant with JCB. Upon protest, accused persons assaulted informant and abused him by caste name and also looted gold and other ornaments. It is further alleged that accused persons tried to outrage the modesty of women family members of informant and lastly, threatened them with dire consequences.

4. It is submitted that that appellants are innocent and have committed no offence as alleged. As a matter of fact, there is longstanding dispute over pathway which led to scuffle between both the parties in which both sides sustained injuries. Case and counter case . Most of the injuries sustained by informant side are simple in nature . It is not the case of informant that any member of public was present at the time of incident, as such no case under SC / ST is made out against these appellants. Appellants claim clean antecedent.

5 . Learned counsel for the respondent No. 2 as well as special Public Prosecutor for the State opposed the bail appeal.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 the learned Exclusive special Judge sc / st Special Court Gaya in connection with Belaganj Police Station Case No. 385 of 2023 .

(Prabhat Kumar Singh, J)

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