

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5668 of 2024**

Arising Out of PS. Case No.-249 Year-2024 Thana- MOHANPUR District- Gaya

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1. Bajanti Devi @ Bajjanti Devi Wife of Dilip Yadav Resident of Village- Durjan Khap, P.S.- Mohanpur, Distt.- Gaya
 2. Dewa Yadav @ Dewa Kumar Yadav @ Deva Kumar Son of Dilip Yadav Resident of Village- Durjan Khap, P.S.- Mohanpur, Distt.- Gaya
- Appellant/s

Versus

1. The State of Bihar
 2. Gita Devi Wife of Santan Chaudhary Resident of Village- Durjan Khap, P.S.- Mohanpur, Distt.- Gaya
- Respondent/s

Appearance :

For the Appellant/s : Mr. Dharendra Kumar Sinha, Advocate.
For the Respondent/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

5 18-11-2025 1. Heard learned counsel for the appellants and the learned APP Mr. Chandra Bhushan Prasad and the learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 12.11.2024 in A.B.P. No. 340/2024, passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Mohanpur P.S. Case No.249/2024, registered under Sections 126(2), 115(2), 303(2), 352, 351(2), 3(5) of the BNS & Sections 3(i)(r)(s)/3(2)(v-a) of the SC/ST Act.

3. Learned counsel for the appellants submits that the



appellant no.1 has antecedent of one case and is a woman and appellant no.2 is a young boy aged about 18 years and the informant alleges that on account of dispute relating to cutting of grass, the accused persons abused her, further while she was returning home, after cutting grass and reached near the house of the accused persons, they abused, on protest, they abused by taking caste name and assaulted her and snatched her chain.

4. Learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that in the initial part of the allegation the informant does not even remotely alleges that she was abused when dispute had arisen on account of cutting of grass nor she was abused by taking caste name when she was coming back home but then it is alleged that when informant protested the abuse being meted out to her by the accused persons thereafter the accused persons abused her by taking caste name. It is also submitted that even presuming what has been alleged is true without admitting then allegation of abusing by taking caste name is general and omnibus in nature. It is further submitted that no specific allegation of assault is alleged and the



occurrence is alleged to have taken place near the house of the accused persons as such not in public view and allegation of snatching chain is ornamental.

5. Learned APP and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellants.

6. Considering the submission of the learned counsel for the appellants, the order impugned is set aside. Let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 482(2) BNSS.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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