

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.58 of 2025

Arising Out of PS. Case No.-19 Year-2024 Thana- Rangara District- Bhagalpur

Pankaj Yadav @ Pankaj Kumar Son of Late Suresh Yadav @ Suresh Prasad
Yadav Resident of Village- Chapra, P.S.- Rangra, Distt.- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinod Harijan Son of Late Prasadi Harijan Resident of Village- Koshiapur,
P.S.- Rangra, Distt.- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 17-04-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter in short referred to as the SC/ST
Act) against the refusal of prayer of bail *vide* order dated
06.12.2024 passed by the learned District and Additional
Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in
connection with Special SC/ST Case No. 75 of 2024 arising out
of Rangra P.S. Case No. 19 of 2024 dated 19.04.2024 registered
for the offence/s punishable u/ss 147, 148, 149, 341, 323, 435,



427, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, the informant and others had allotted 1 Acre land each to them by Parcha and the informant and others had harvested the wheat from their respective fields and stored it in the fields. It is further alleged that on 17.04.2024 they had slept near their crops, in the meantime at 1 A.M. at night, all the accused persons including the petitioner along with 4-5 unknown miscreants came there armed with weapons and surrounded them and started firing. It is further alleged that the petitioner and the co-accused Lalan Yadav threatened and abused by taking caste name and put pistol on his chest and threatened to kill him and in the meantime, the petitioner and the co-accused, Lalan Yadav, Manish Yadav, Lagina Yadav, Manoj Yadav started beating them and rest accused persons set fire on the stored wheat, thereafter the entire crops in the field were burnt to ashes before their eyes. It is further alleged that while going, the petitioner and the co-accused Lalan Yadav threatened them. It is further alleged that earlier also the accused persons had beaten them and damaged their crops by setting fire.

4. Learned counsel for the appellant has submitted



that the appellant has falsely been implicated in this case due to ulterior motive. There is general and omibus allegation against the appellant. There is land dispute in between both the parties. As per the FIR, no member of the public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. There is no specific allegation of assault against the appellant. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 10.11.2024.

5. Learned Spl. P.P. for the State and learned counsel for the informant have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 06.12.2024 passed by the learned District and Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Special SC/ST Case No. 75 of 2024 arising out of Rangra P.S. Case No. 19 of 2024 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is



directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned learned District and Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Special SC/ST Case No. 75 of 2024 arising out of Rangra P.S. Case No. 19 of 2024.

(Chandra Prakash Singh, J)

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