

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1041 of 2024

Arising Out of PS. Case No.-852 Year-2023 Thana- FATUA District- Patna

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1. Dilip Yadav @ Dilip Kumar S/o Basanti Yadav R/o Kismiriya, P.S. - Fatuha, Dist. - Patna
 2. Rajeev Yadav @ Rajeev Kumar S/o Rambali Yadav @ Ramvali Ray R/o Kismiriya, P.S. - Fatuha, Dist. - Patna
 3. Santu Yadav @ Santu Kumar S/o Tulsi Yadav @ Tusi Yadav R/o Kismiriya, P.S. - Fatuha, Dist. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Gyanti Devi W/o Awadhesh Paswan R/o Kismiriya, P.S. - Fatuha, Dist. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sandeep Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

6 17-07-2026 Heard the learned counsel for the appellants and the learned Spl. P.P. appearing on behalf of the State.

2. That the present appeal has been filed for setting aside the order dated 17.01.2024 passed by the learned Exclusive Special Court, SC/ST Act, Patna in relation to Fatuha P.S. Case No. 852 of 2023 registered under Sections 341, 323, 354(B), 504, 506 of I.P.C. & Section 3(i)(r)(s)(w) of SC/ST Act, by which the prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution story, which has been lodged



on the basis of the written report submitted by the informant to the effect that on 24.11.2023 her house warming ceremony was being organized and all of a sudden co-accused Golu Yadav alongwith the appellants herein and 3 other unknown persons, reached there and started dancing on the song being played there and also started harassing the girls in the family. It has further been alleged that after the house warming ceremony was over, on the next day she went along with her husband to the house of the accused persons, then the accused persons started using filthy language against her husband and also started assaulting him. When the informant tried to save her husband, they assaulted her with a butt of pistol due to which she sustained injuries and they also abused her by naming her caste.

4. The learned counsel for the appellants submits that no such occurrence has taken place and the allegations leveled against the appellants in the FIR are entirely false. He submits that the FIR has been lodged after a delay of 2 days and no explanation whatsoever has been given by the informant for the delay in lodging the FIR. He further submits that general and omnibus allegation has been leveled against all the accused persons and the allegation of abusing the informant by taking the name of her caste has not been found to be in public place.



He further submits that the appellant no. 2 is also an accused in Fatuha P.S. Case No. 14 of 2022, apart from the present case and in which he is on bail. So far the appellant no. 1 and 3 are concerned, they have got a clean antecedent.

5. *Per contra* the learned Spl. P.P. appearing on behalf of the State opposes the prayer for bail of the appellants and submits that they have taken the name of the caste of the informant in full public view and have also assaulted the husband of the informant and the informant.

6. Considering the rival submissions and after going through the records, it appears that as per the FIR the only allegation against the appellants are that they entered into the house of the informant while her house warming ceremony was going on and danced with the girls of the family member. Later on when the informant along with her husband went to the house of the appellants and other accused persons, it has been alleged that they assaulted her and her husband and also took name of her caste, while abusing, however, the same was not in the public view/place.

7. In the facts and circumstances of the case, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks



from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Court, SC/ST Act, Patna, in connection with Fatuha P.S. Case No. 852 of 2023, subject to the condition as laid down under Section 438(2) of Cr.P.C., with further condition:-

(I) That the learned court concerned shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedent, the Court concerned shall take steps for cancellation of bail bonds of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Ritesh Kumar, J)

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