

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1227 of 2024

Arising Out of PS. Case No.-940 Year-2023 Thana- BIHTA District- Patna

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1. Bijay Kumar @ Vijay Kumar @ Bijay Kumar Yadav S/o- Late Suresh Prasad Yadav Vill- Dayalpur PS- Bihta Dist- Patna
 2. Mritunjay Yadav @ Yadav Mirtunjay Suresh @ Mirtunjay son of Late Suresh Prasad Yadav Vill- Dayalpur PS- Bihta Dist- Patna
 3. Moti Devi wife of Late Suresh Prasad Yadav Vill- Dayalpur PS- Bihta Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhotan Das son of Late Jhauri Das Village- Rajpur Ps- bihta Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 13-03-2026 Heard learned counsel for the appellants and Mr. Binay Krishna, learned Special P.P. for the State.

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 16.01.2024, passed by learned Exclusive Special Court, SC/ST Act, Patna in connection with Bihta P.S. Case No.940 of 2023, registered under Sections 147, 148, 149, 323, 324, 325, 341, 342 and 307 of the Indian Penal Code as well as Section 3(i)(r)(s)/3(2)(va) of the SC/ST (POA) Act, 1989.



3. Learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and appellant no.3 is a woman. It is next submitted that informant despite receiving notice chooses not to appear and contest. It is next submitted that informant alleges that on 21.09.2023 at 06:30 a.m. Ajay, Mritunjay, Bijay and Moti Devi came and Ajay assaulted him by rod repeatedly causing injury on head and hand and thereafter other accused assaulted his wife by rod causing injury on hand. Further, the reason for the occurrence is that the accused threatened to grab his land.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case on account of dispute relating to land. It is next submitted that thrust of allegation is against Ajay and he was taken in custody and as far as the instant appellants are concerned, the allegation against them are general and omnibus in nature.

5. Learned Special P.P. opposes the appeal.

6. Considering the submissions made by learned counsel for the appellants, let 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 bonds



of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, SC/ST Patna in connection with Bihta P.S. Case No.940 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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