

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1057 of 2025

Arising Out of PS. Case No.-125 Year-2024 Thana- Bankebazar District- Gaya

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1. Dashrath Chaudhary @ Bandu Mallah S/o- Late Kail Mallah Resident of Village- Dumrawa, P.S. Bankebazar, District- Gaya,
 2. Baijnath Mallah @ Baijnath Chaudhary S/o- Late Yata Mallah Resident of Village- Dumrawa, P.S. Bankebazar, District- Gaya,
 3. Binod Mallah @ Binod Chaudhary S/o- Late Kail Mallah Resident of Village- Dumrawa, P.S. Bankebazar, District- Gaya,
 4. Pintu Kumar S/o- Dashrath Chaudhary @ Bandu Mallah Resident of Village- Dumrawa, P.S. Bankebazar, District- Gaya,
 5. Sintu Chaudhary @ Pinku Kumar S/o- Dashrath Chaudhary @ Bandu Mallah Resident of Village- Dumrawa, P.S. Bankebazar, District- Gaya,

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramjeet Kumar S/o- Late Khelawan Bhuiya Resident of Village- Dumrawa, P.S. Bankebazar, District- Gaya,

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Kumar Gangesh Ganjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-04-2026 Heard learned counsel for the appellants, respondent
no. 2 and the State.

2. This appeal has been filed against the order dated 22.01.2025 passed by learned Exclusive Special Judge, SC/ST, Act, Gaya in ABP No. 403 of 2024 arising out of Bankebazar P.S. Case No. 125 of 2024 registered under Sections 126(2), 115(3), 351(3), 352, 110, 3(5) of the Bharatiya Nyaya Sanhita and Section 3(1)(r)(s), 3(2)(va) of Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per F.I.R., on 21.10.2024 at about 10 AM, these appellants were forcibly ploughing the land of informant. Upon protest, these appellants abused informant and others by caste name and assaulted them.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. There is admitted land dispute between the parties and as a matter of fact, informant and others were trying to grab the land of appellants and when petitioners protested, altercation took place between the parties. Allegation of assault is general and omnibus. It is not the case of informant that any member of public was present at the place of occurrence and as such, no case under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the nature of accusation and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today,



be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Act, Gaya in ABP No. 403 of 2024 arising out of Bankebazar P.S. Case No. 125 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 22.01.2025 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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