

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1335 of 2025**

Arising Out of PS. Case No.-23 Year-2022 Thana- MADHEPURA COMPALINT CASE  
District- Madhepura

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1. Amit Kumar @ Santosh Yadav Son of Girbal Yadav Resident of Village - Kamargama, Tola - Basaha, P.S. - Singheshwar, District - Madhepura
  2. Birbal Yadav Son of Late Mishrilal Yadav Resident of Village - Kamargama, Tola - Basaha, P.S. - Singheshwar, District - Madhepura
  3. Charandev Paswan @ Chandradev Paswan Son of Shivnandan Paswan @ Shivnarayan Paswan Resident of Village - Kamargama, Tola - Basaha, P.S. - Singheshwar, District - Madhepura
  4. Shiveshwar Paswan Son of Shivendra Paswan @ Shiveshwar Paswan Resident of Village - Kamargama, Tola - Basaha, P.S. - Singheshwar, District - Madhepura
  5. Ajay Paswan @ Ajay Kumar Paswan Son of Shivendra Paswan @ Shiveshwar Paswan Resident of Village - Kamargama, Tola - Basaha, P.S. - Singheshwar, District - Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi Wife of Shiv Kumar Sada Resident of Village - Kamargama, Tola - Basaha, P.S. - Singheshwar, District - Madhepura

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Durgesh Kumar  
For the Respondent/s : Mr.Sadanand Paswan

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

- 5      29-07-2026      1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.
2. The learned counsel appearing on behalf of the appellants submits that the informant despite receiving notice chooses not to appear and contest the case.
3. The appellants have challenged the order dated 22.01.2025 passed by the learned Additional District and



Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Madhepura in connection with ABP No.1828 of 2024 arising out of SC/ST Complaint Case No.23 of 2022, instituted for the offences under Sections 341, 323, 354, 380, 504 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

4. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent the informant alleges that the accused persons including the appellants came along with JCB and asked her and her mother in-law to come out of the house and when they refused, Amit and Mithilesh forcefully tried to bring them out of the house. On objection, all accused on point of threat made her come out of the house and tore her clothes and abused by taking caste name and Birbal gave orders to loot and hence, all the accused persons looted household articles including cash of Rs.25,000/- along with jewellery and demolished the house by JCB. Further, accused have falsely implicated her husband and brother in-law in a false case and they are in custody.

5. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the



informant. It is further submitted that from perusal of the allegations as alleged in the FIR, it would manifest that husband and son of the informant are in custody in view of a criminal case instituted against them by the side of the appellants. It is also submitted that even allegation of abuse and assault is not specific. It is further submitted that the entire occurrence took place at the house of the informant, thus was not in public view. It is next submitted that as far as allegation of demolishing the house by JCB is alleged, the said allegation has been alleged only to give seriousness to the case.

6. The learned Special P.P. opposes the appeal.

7. Regard being had to the aforesaid submissions, the order dated 22.01.2025 is set-aside.

8. The appeal stands allowed.

9. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Madhepura in connection with ABP No.1828 of 2024 arising out of SC/ST



Complaint Case No.23 of 2022, subject to the conditions laid  
down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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