IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1485 of 2025

CNR No. BRHC010359632025

Arising Out of PS. Case No.-65 Year-2024 Thana- SC/ST District- Gaya

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1. Babu Lal Yadav S/O Late Gahan @ Bhola Yadav Resident of Village- Saken, Mauza- Chaughai Bhaluhar, P.O- Bhaluhar, P.S- Raushanganj, District- Gaya, Bihar.
2. Kishor Yadav S/O Babu Lal Yadav Resident of Village- Saken, Mauza- Chaughai Bhaluhar, P.O- Bhaluhar, P.S- Raushanganj, District- Gaya, Bihar.
3. Rajesh Yadav @ Rajesh Kumar S/O Babu Lal Yadav Resident of Village- Saken, Mauza- Chaughai Bhaluhar, P.O- Bhaluhar, P.S- Raushanganj, District- Gaya, Bihar.
4. Sanket Yadav @ Sanket Kumar S/O Babu Lal Yadav Resident of Village- Saken, Mauza- Chaughai Bhaluhar, P.O- Bhaluhar, P.S- Raushanganj, District- Gaya, Bihar.
5. Fulmatiya Devi @ Fulmatiya Edevi W/O Babu Lal Yadav Resident of Village- Saken, Mauza- Chaughai Bhaluhar, P.O- Bhaluhar, P.S- Raushanganj, District- Gaya, Bihar.
6. Punam Devi W/O Kishor Yadav Resident of Village- Saken, Mauza- Chaughai Bhaluhar, P.O- Bhaluhar, P.S- Raushanganj, District- Gaya, Bihar.
7. Kamla Devi W/O Shiv Lal Yadav Resident of Village- Saken, Mauza- Chaughai Bhaluhar, P.O- Bhaluhar, P.S- Raushanganj, District- Gaya, Bihar.
8. Karju Yadav @ Aditya Kumar S/O Shiv Lal Yadav Resident of Village- Saken, Mauza- Chaughai Bhaluhar, P.O- Bhaluhar, P.S- Raushanganj, District- Gaya, Bihar.

... ... Appellant/s

Versus

1. The State of Bihar
2. Matiya Devi W/O Ram vriksh Mandal R/O Village- Chaughai, P.O- Bhaluhar, P.S- Raushanganj, Distt.- Gaya, Bihar.

... ... Respondent/s

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Appearance :
For the Appellants : Ms. Rabia Gulnaz, Advocate
For the State : Mr. Sadanand Paswan, Spl.PP
For the Informant : Mr. Binod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 29-10-2026 Heard learned counsel appearing for the appellants,

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learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 12.02.2025 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 303(2), 351(2), 352 and 3(5) of the B.N.S. and Sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

3. The prosecution case, in brief, is that on 28.11.2024 at about 9 PM, all the F.I.R. named accused persons, including these appellants, came to the house of informant, threatened her family members of dire consequences and hurled caste based abuse. The accused persons also assaulted informant and her family members, snatched silver chain, damaged the electric meter and threatened to set the house on fire. It is further alleged that the accused persons pelted bricks and stones due to which the house of informant was damaged and one Sanket Yadav sustained injuries.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and

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have committed no offence. Appellants have falsely been implicated in this case due to village politics. The present F.I.R. has been lodged after inordinate delay of 12 days and there is no plausible explanation for the same which itself makes the entire prosecution case doubtful. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. As a matter of fact, on the alleged date and time of occurrence, on account of petty dispute, a heated argument took place between the parties and taking advantage of the situation, this false and concocted case has been lodged. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellants, this appeal is allowed and the

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impugned order dated 12.02.2025 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with A.B.P. No. 27 of 2025 arising out of SC/ST P.S. Case No. 65 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond 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, Gaya in connection with SC/ST P.S. Case No. 65 of 2024.

(Prabhat Kumar Singh, J)

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