

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1774 of 2025**

Arising Out of PS. Case No.-11 Year-2020 Thana- LUTUA District- Gaya

1. Sanjay Prasad Son of Late Pragash Mahto @ Pragash Singh village -Shankarpur PS -Lutua Dist- Gaya
2. Krishnadeo Prasad @ Krishna Prasad son of Late Pragash Mahto @ Pragash Singh village -Shankarpur PS -Lutua Dist- Gaya
3. Priyanshu @ Heera Prasad @ Priye Ranjan Son of Surendra Prasad @ Surendra Singh village -Shankarpur PS -Lutua Dist- Gaya
4. Ananad Prasad @ Anand Kumar son of Late Vijay Prasad village -Shankarpur PS -Lutua Dist- Gaya
5. Chhotu Prasad @ Nibhit Kumar son of Late Vijay Prasad village -Shankarpur PS -Lutua Dist- Gaya
6. Dayanand Prasad @ Dayanand Kumar son of krishnadeo Prasad village -Shankarpur PS -Lutua Dist- Gaya
7. Pramanand Prasad @ Pramanand Kumar son of Krishnadeo Prasad village -Shankarpur PS -Lutua Dist- Gaya
8. Golu Prasad @ Satyanand Kumar son of Krishnadeo Prasad village -Shankarpur PS -Lutua Dist- Gaya
9. Raushan Prasad @ Raushan Raj Son of Sanjay Prasad village -Shankarpur PS -Lutua Dist- Gaya
10. Sumitra Devi Wife of Surendra Prasad @ Surendra Singh village -Shankarpur PS -Lutua Dist- Gaya
11. Manju Devi Wife of Sanjay Prasad village -Shankarpur PS -Lutua Dist- Gaya
12. Kiran Devi wife of Late Vijay Prasad village -Shankarpur PS -Lutua Dist- Gaya
13. Ramrati Devi @ Ramoti Devi Wife of Krishnadeo Prasad village -Shankarpur PS -Lutua Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanti Devi wife of Yogendra Bhuiyan village -Shankarpur PS -Lutua Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prithivi Raj Singh
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 14-05-2026 1. Heard learned counsel for the appellants and
learned Spl. P.P. for the State, Ms Usha Kumari No. 1.



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 05-3-2025 in A.B.P. No. 55 of 2025 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Lutua P.S. Case No. 11 of 2020 registered for the offences punishable under Sections 147, 149, 341, 323, 354(B), 504, 506 of the Indian Penal Code as well as Section 3(2)V of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellant No. 1, 3 and 4 have antecedent of three cases, appellant no.2, 5, 6, 7, 8 and 9 have antecedent of one case and appellant no.10 to 13 are persons with clean antecedent. Learned counsel appearing on behalf of the appellants submits that similarly situated co-accused Rakesh Kumar along with two others had approached this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No.1775 of 2025. It is submitted that in Cr. Appeal (SJ) No.1775 of 2025, notices were issued on the informant and the informant despite receiving notice, chose not appear and contest. It is thus submitted that it appears that the informant is not interested in pursuing the case as such no useful



purpose would be served by issuing notice to the informant. It is also submitted that the court granted the privilege of anticipatory bail to Rakesh Kumar and two others after considering the case in detail and on merits. It is further submitted that informant alleges that on 10-3-2024 at about 2 A.M., she was constructing a brick house below a mountain as she was not having any land, when all the accused persons including the appellants came and claimed that the land belongs to them and thereafter the accused persons called the police, who ordered to stop the work, thereafter Surendra Prasad called the Ranger and destroyed the brick wall and his family damaged the articles lying there and also abused by taking caste name, thereafter Rakesh, who is an army man, pulled the hand of the informant's daughter causing pain and abused by taking caste name.

4. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the FIR, it would manifest that the date of occurrence is 10-3-2024 and the FIR came to be instituted on 13-3-2024, i.e., after a delay of three days without any plausible explanation. It is also submitted that informant was trying to usurp the land of the



appellants for constructing her house, which was objected and thereafter the present false case came to be instituted. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of abuse and assault is alleged against the appellants.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

6. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, 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 trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

