

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1955 of 2025

Arising Out of PS. Case No.-19 Year-2024 Thana- Rangara District- Bhagalpur

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1. Prabhu Yadav @ Prabhu Prasad Yadav S/O Late Awadh Kishore Yadav @ Late Awadhi Yadav R/O Village- Latra, P.S- Gopalpur, Bhagalpur.
 2. Phulo Yadav S/O Late Awadh Kishore Yadav @ Late Awadhi Yadav R/O Village- Latra, P.S- Gopalpur, Bhagalpur.
 3. Rajesh Kumar @ Deepak Yadav S/O Phulo Yadav R/O Village- Latra, P.S- Gopalpur, Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinod Harijan S/O Late Prasadi Harijan R/O Village- Koshkipur, P.S- Rangra, Distt.- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl PP
For the Respondent No. 2	:	Mr. Arvind Kumar, Advocate
		Mr. Uma Shankar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 18-02-2026 Heard learned counsel for the appellants, learned counsel for Respondent No. 2 and learned Special Public Prosecutor appearing for the State.

2. This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 24.03.2025 passed by learned District and Additional Sessions Judge-II-cum-Special Judge (SC/ST) Act, Bhagalpur, in A.B.P. No. 352 of 2025 in connection with Rangra P.S. Case No. 19 of 2024, registered under Sections 147, 148, 149, 341, 323, 435,



427, 504 and 506 of the I.P.C. and Section 27 of the Arms Act read with Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, the informant along with other landless Mahadalits, has received land settlement certificates for one acre land each from the land belonging to *Mouza- Gobindpur Koshli, Revenue Thana No. 89, Account No. 1907, Khasra 1797, total area 179.45 acres of Bihar Government Gairmajrui Khas land*. The informant and others had harvested the wheat from their respective fields and stored it in the fields. It is further alleged that on 17.04.2024, they had slept on their fields, in the meantime, at 1 A.M., the appellants along with 4-5 unknown persons came with arms and started firing at them. It is further alleged that co-accused Lalan Yadav and Pankaj Yadav hurled caste based slurs and threatened to kill them and other accused persons set fire to the stored wheat, thereafter, all the accused persons left and threatened them with dire consequences.

4. Learned counsel appearing for the appellants submits that the appellants bear clean antecedent and are



innocent. It has further been submitted that there is delay of two days in filing the present F.I.R., without giving any plausible explanation for the same. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the appellants and nothing specific has been alleged against them. It has also been submitted that there is serious land dispute between the parties and a title suit bearing Title Suit No. 23 of 2019 is pending between the parties. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants and submits that the appellants are aggressors and are creating hindrance in the peaceful possession of the land-in question and there is also allegation that the appellants and others resorted to fire.

6. Considering the entire facts and circumstances of



the case and the fact that there is serious land dispute between the parties and a title suit is also pending between them and offences of the IPC being bailable in nature and as regard the offence under Section 27 of the Arms Act there is no recovery/mark of violence at the place of occurrence to substantiate the allegation and the allegation does not seem to have been committed within public view because it happened in 1 A.M., in the agricultural field, let the above named appellants in the event of their arrest/surrender within a period of six weeks be released 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 the learned District and Additional Sessions Judge-II-cum-Special Judge (SC/ST) Act, Bhagalpur, in connection with Rangra P.S. Case No. 19 of 2024, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 24.03.2025 rejecting the prayer for grant of anticipatory bail to the appellants is, hereby, set aside.

(Praveen Kumar, J)

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