

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2359 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- RAFIGANJ District- Aurangabad

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1. Akhilesh Yadav@Akhilesh Kumar Son of Late Sukhdev Yadav R/O VILLAGE- CHARKAWAN, NICHALI DIH, P.S.- RAFIGANJ DISTRICT- AURANGABAD, BIHAR
 2. Reeta Devi@Rita Devi W/O Akhilesh Yadav R/O VILLAGE- CHARKAWAN, NICHALI DIH, P.S.- RAFIGANJ DISTRICT- AURANGABAD, BIHAR

... .. Appellant/s

Versus

1. The State Of Bihar
2. Lalti Devi W/O Sadanand Ram R/O VILLAGE- CHARKAWAN, NICHALI DIH, P.S.- RAFIGANJ DISTRICT- AURANGABAD, BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lalbahadur Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 25-03-2026 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State.

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 02.05.2024 in A.B.P. No. 772 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with Rafiganj P.S. Case No. 147 of 2024 registered for the offences punishable



under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that from perusal of the office report dated 18.03.2026, it would manifest that the ordinary notice has been validly served on the respondent no. 2, but then no one appears on behalf of the respondent no. 2 to contest the case.

4. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and appellant no. 2 is a woman and the informant alleges that her husband, Sadanand, lives separately from her in the house of Akhilesh on rent, further her daughter had gone to the house of Akhilesh for asking money from their father, but money was not given, thus, the daughters came back, thereafter, Akhilesh, his wife and brother of his wife came on 09.04.2024 at 08:00 AM to her house and assaulted her and her daughters and abused by taking caste name and tore cloths of her daughter and brother-in-law of Akhilesh took earrings of her daughter and also took away Rs. 20,000/- from the shop.

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



It is next submitted that husband of the informant is staying in the house of appellant no. 1 on rent and appellant no. 2 is wife of appellant no. 1. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the dispute is in between the informant and her husband. It is also submitted that it absolutely does not stand to reason that as to why the appellants would have come to the house of the informant for committing the occurrence. It is next submitted that since husband of the informant is staying in the house of the appellant no. 1, as such, the informant instituted the instant case with false allegations so that appellants are pressurized to oust her husband from the house. It is next submitted that even presuming what has been alleged is true without admitting, then the entire occurrence took place inside the house of the informant and thus was not in public view. It is further submitted that as far as allegation of snatching earring and Rs. 20,000/-, tearing cloths and assault is alleged, the same is ornamental and exaggerated.

6. Learned Spl. P.P. for the State opposes the appeal.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 02.05.2024 in A.B.P.



No. 772 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with Rafiganj P.S. Case No. 147 of 2024, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender 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 court below where the case is pending/successor court in connection with Rafiganj P.S. Case No. 147 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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