

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2707 of 2024

Arising Out of PS. Case No.-211 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

1. Aakash Kumar Yadav @ Akash Kumar Yadav S/o Shivji Singh @ Shiv Kumar Yadav R/o vill - Nawagawan, P.S. - Sonhan, Distt. - Kaimur
2. Nand Kishor Yadav @ Nandu Yadav S/o Antu Singh R/o vill - Nawagawan, P.S. - Sonhan, Distt. - Kaimur
3. Shivji Singh @ Shiv Kumar Yadav S/o Antu Singh R/o vill - Nawagawan, P.S. - Sonhan, Distt. - Kaimur
4. Antu Singh S/o Son of Ram Kawal Singh R/o vill - Nawagawan, P.S. - Sonhan, Distt. - Kaimur

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi W/o Shir Sanjay Paswan R/o vill - Nawagawn, P.S. - Sonhan, Distt. - Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Kumari Anupam
For the State	:	Mr. Nawal Kishore Pd.
For O.P. No. 2	:	Mr. Praveen Kumar
		Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 23-02-2026 Heard learned Counsel for the appellants, learned Counsel for the respondent no. 2 and learned Special Public Prosecutor for the State.

2. An order, dated 21.05.2024, passed by learned Additional Sessions Judge-1, Kaimur at Bhabua, in ABP No. 521 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the



anticipatory bail application of the appellant in connection with Bhabua (Sonhan) Police Station Case No. 211 of 2023 registered for the offence punishable under Sections 341, 323, 354, 379, 504 of the Indian Penal Code and Section 3(i)(r)(s) (w), 3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. As per the prosecution story, on 21.03.2024, appellant no.1, namely, Aakash Kumar along with co-accused Vikash Kumar entered into the room of the informant's son and assaulted him by fists, lathi danda etc. They also allegedly took away two mobile phones and a laptop of the informant's son. when the informant, along with her husband, went to the house of the accused persons to inquire about the incident, the appellants, along with other co-accused persons, allegedly assaulted them and outraged the modesty of the informant.

4. Learned counsel for the appellants submits that appellants have falsely been implicated in this case due to village rivalry and a counter case has also been lodged by the appellants' side against the informant and others, bearing Bhabua (Sonhan) P.S. Case No. 212 of 2024, which has been brought on record as Annexure P/2. It has further been submitted that, from a plain reading of the FIR, the provisions



of the SC/ST Act are not attracted, inasmuch as there is no specific allegation that the appellants abused the informant or her husband by taking their caste name in full public view. The injuries sustained by the victim are simple in nature.

5. On the other hand, learned counsel for the State submits that it is correct that the injuries sustained by the victim are simple in nature.

6. Learned counsel appearing on behalf of O.P. No. 2 submits that the parties have arrived at an amicable settlement between themselves.

7. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that there is no allegation in the FIR that the appellants abused the informant or her husband by taking their caste name in full public view and the injuries sustained are simple in nature, I am inclined to grant the appellants privilege of anticipatory bail.

8. This appeal is, accordingly, allowed and the order, dated 21.05.2024, passed by learned Additional Sessions Judge-1, Kaimur at Bhabua, in ABP No. 521 of 2024, is set aside.

9. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four



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 learned Additional Sessions Judge-1, Kaimur, in connection with Bhabua (Sonhan) Police Station Case No. 211 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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