

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2502 of 2025

Arising Out of PS. Case No.-109 Year-2025 Thana- MOKAMAH District- Patna

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1. Kapil Yadav @ Kapildeo Yadav S/o- Late Hira Yadav Village- Mor, W.No-12, Ps- Mokama Dist- Patna
 2. Naresh Yadav S/o- Late Hira Yadav Village- Mor, W.No-12, Ps- Mokama Dist- Patna
 3. Sanjay Yadav S/o- Naresh Yadav Village- Mor, W.No-12, Ps- Mokama Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinod Paswan S/o- Late Sukhdev Paswan Village- Mor W.No-12, Ps- Mokama Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dinkar Kumar
For the Respondent/state: None

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-04-2026 1. Heard the parties.

2. This memo of appeal is directed against the order dated 21.05.2025 by which the learned court of Exclusive Special Judge SC/ST Act, Patna has rejected the anticipatory bail application bearing ABP No. 1473/2025 in connection with Mokama P.S. Case No. 109 / 2025 dated 14/03/2025 instituted under Sections 332 (c), 74, 115(2), 3(5) of the BNS, 2023 and under Section 3(1)(r)(s)(w)(i) / 3 (2) (va) of the SC/ST (P.O.A) Act.

3. As per the F.I.R. on 14.03.2025 in the night around 9:00 P.M. the appellant no. 3 -Sanjay Yadav entered into the informant's house and started harassing his family. Thereafter,



the co-accused and appellants came and started abusing by taking caste name then the informant called the police.

4. Learned counsel for the appellants submits that appellants have falsely been implicated in this case in abuse of the process of court inasmuch as due to dispute regarding gully / public passage, the present F.I.R. has been lodged. The informant has forcibly blocked public passage / gully of Ward No. 12 which was the main passage of the residents of Ward No. 12 including passage leading to the appellants' house. The appellants have protested against the blocking of gully / public passage and thereafter the informant has lodged the present case. The Police arrived on the date of occurrence and after pacifying the dispute directed for opening the public passage / gully went away without arresting the appellants. The allegation of calling by caste name is not in full public view and the same is an exaggeration. The blockage of public passage was subject matter of Local Gram Kachehari, Gram Panchayat Raj, Mor West in Case No. 12 / 2022 dated 04.04.2022. The aggrieved residents of the ward went to Gram Kachehari and proceeding under Bihar Gram Kachehari Sanchalan Niyamwali, 2007 was initiated in which informant was also a party and final order was passed against the informant.



5. No one appears for the respondent no. 2 as well as Spl. Public Prosecutor for the SC/ST Act.

6. Regard being had to the submission made by the parties, taking into consideration the nature of allegation and the fact that there appears to be dispute regarding passage between the appellants and the informant accordingly, I am inclined to grant anticipatory bail to the appellants.

7. Accordingly, the order dated 21.05.2025 passed by the court of Exclusive Special Judge SC/ST Act, Patna in ABP No. 1473/2025 arising out of Mokama P.S. Case No. 109 / 2025 is hereby set aside. The appeal is allowed.

8. Let the appellants, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge SC / ST Act, Patna in connection with Mokama P.S. Case No. 109 / 2025 subject to the condition as laid down under Section 482 (2) of the B.N.S.S.

(Anil Kumar Sinha, J)

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