

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2580 of 2025

Arising Out of PS. Case No.-190 Year-2025 Thana- KONCH District- Gaya

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1. Ramjivan Yadav @ Raju Kumar S/o Hridyanand Yadav R/o vill - Karai, P.S. - Konch, Distt. - Gaya
 2. Samjivan Yadav @ Shyamjivan Kumar S/o Hridyanand Yadav R/o vill - Karai, P.S. - Konch, Distt. - Gaya
 3. Rohit Yadav @ Rohit Kumar S/o Manoj Yadav R/o vill - Karai, P.S. - Konch, Distt. - Gaya
 4. Vishwakarma Yadav @ Chandra Prakash Vishwakarma S/o Awadhesh Yadav R/o vill - Karai, P.S. - Konch, Distt. - Gaya
 5. Abhay Yadav @ Abhay Kumar S/o Surendra Yadav R/o vill - Karai, P.S. - Konch, Distt. - Gaya
 6. Surendra Yadav @ Surendra Kumar S/o Raja Yadav R/o vill - Karai, P.S. - Konch, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Munni Devi W/o Krishna Paswan R/o vill - Karai, P.S. - Konch, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aryan Singh, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Spl.PP
For the Respondent No.2:		Mr. Aniket Kumar, Advocate
		Mr. Brahmanand Kumar, Advocate
		Mr. Vijay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 26-02-2026 Heard learned counsel for the appellants, learned counsel for the 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 19.05.2025 passed by learned Exclusive Special Judge, SC/ST Act, Gaya, in A.B.P. No. 122 of 2025 arising out Konch P.S. Case No. 190 of 2025 registered under Sections 191(2), 190,



126(2), 115(2), 109, 74, 303(2) and 352 of the B.N.S. and Sections 3(1)(r)(s)(w)(i) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, the informant alleged that on 15.03.2025 at about 10:30 PM, when she was in her house then she heard people making a noise outside her house. When she came out of her house, she saw that the appellants and co-accused Vikash Kumar were assaulting her son, namely Nirbhay Kumar with rod due to which he sustained head injury. When Golu Kumar and Shanti Devi came to rescue, appellant no.3 (Rohit Yadav) and co-accused Vikash Yadav assaulted Golu Kumar with lathi as a result of which he sustained head injury and became unconscious. It is further alleged that Ramjivan Yadav (appellant no.1) and Vishwakarma Yadav (appellant no.4) caught Shanti Devi and molested her with ill intent and snatched her mangalsutra and earring and abused her by taking caste name and threatened her of dire consequences.

4. Learned counsel for the appellants submits that the appellants are innocent and have not committed any offence.



He further submits that the appellant nos. 1 and 2 have got no criminal antecedent and appellant nos. 3 to 6 have got one criminal antecedent as stated in para-3 of this appeal. It has further been submitted that the occurrence took place on the question of singing objectionable song during Holi festival resulting into case and counter-case between the parties. There is no injury report on record to suggest and substantiate the allegation against the appellants. The allegation with respect to offence under Section 109 of B.N.S. is negated by the fact that there is no injury report on record and the allegation with respect to Sections 74 and 302(2) of B.N.S. appears to be ornamental in nature. It is also submitted that as regards the allegation of abuse by caste name is concerned, it does not appear to be in a public place as none of the persons have been disclosed before whom the alleged abuse was made when the alleged occurrence took place. It is further submitted that in the counter-case lodged by the appellants' side, one of the offences is also being under Section 109 of B.N.S. 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 respondent no.2 have vehemently



opposed the prayer for grant of anticipatory bail to the appellants and submitted that the appellants' side intentionally assaulted the prosecution parties and they were the aggressors.

6. Considering the entire facts and circumstances of the case that there is case and counter-case between the parties, both the cases have been registered under Section 109 of B.N.S. and the occurrence took place on the account of playing objectionable song in Holi festival resulting into case and counter case and the alleged abuse does not appear within the public view, 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 learned Exclusive Special Judge, SC/ST Act, Gaya, in connection with Konch P.S. Case No. 190 of 2025 subject to the conditions laid down under Section 482(2) of the B.N.S.S.

7. Accordingly, this appeal is allowed and the impugned order dated 19.05.2025 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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