

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 2721 of 2025

Arising Out of PS. Case No.-91 Year-2024 Thana- SC/ST District- Madhubani

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1. Indrajeet Kumar Yadav @ Indrajit Yadav S/O Bajrang Kumar @ Bajrang Yadav R/o - Piprahi, P.S - Ladaniya, District - Madhubani.
 2. Bajranj Kumar @ Bajrag Yadav S/O Subhag Lal Yadav @ Subhak Lal Yadav R/o - Piprahi, P.S - Ladaniya, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi W/O Late Balkrishna Mehra R/O Village- Sktiyahi, P.S- Khutauna, Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 12-05-2026 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

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 16.06.2025 in A.B.P. No. 973 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with SC/ST P.S. Case No. 91 of 2024 registered under Sections 126, 115(2), 119(1), 76, 352, 351(2) and 3(5) of the BNS as well as Sections 3(1)(r), 3(1)(s), 3(1)(w)



(i) and 3(2)(va), 3(1)(f) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that appellant no. 1 is a person with clean antecedent and appellant no. 2 has antecedent of one case and the informant alleges that she is a widow and her husband had purchased a land about 28 years back, on which a hut was constructed and her husband died in the year 2008 and thereafter, the informant, in connection with study of her children, moved out of the village and taking advantage of her absence Bajrang (appellant no. 2) along with his son Indrajeet (appellant no. 1) and others captured her land and started a car washing unit and a shop for selling articles as detailed in the FIR. Further, when the informant requested Bajrang to vacate the land, he abused by taking caste name and tried to strangulate her and Indrajeet assaulted her son by rod causing injury on back.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place. It is next submitted that the land belongs to



the appellants but then the informant is claiming that the land was purchased by her husband but then no documents have been annexed with the FIR showing that the land belongs to the informant. It is also submitted that the police, after investigation, submitted final form exonerating the appellants of the allegation as alleged in the FIR but then the learned trial court took cognizance differing with the police report. It is submitted that when one investigating agency, after threadbare investigation, came to a considered conclusion that appellants are innocent, whether it would be prudent for the Court to send the appellants to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the appellants of the allegation.

5. Learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant are not in a position to rebut the said submissions of the learned counsel appearing on behalf of the appellants but then the learned counsel appearing on behalf of the appellants submits that differing with the police report, the Court has taken cognizance, hence, a prima facie case is made out.

6. After hearing the learned counsel for the parties, the Court was inclined to extend the privilege of anticipatory



bail to the appellants but since cognizance has been taken, as such, the appeal is disposed of with a direction to the appellants to surrender before the learned trial court on 27.05.2026. If the appellants surrender on 27.05.2026, the learned trial court shall consider and dispose of the case on the same day keeping in mind the fact that the police after investigation submitted final form exonerating the appellants of the allegation as alleged in the FIR and also the observations of this Court as recorded hereinabove.

(Satyavrat Verma, J)

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