

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3779 of 2024

Arising Out of PS. Case No.-35 Year-2023 Thana- TANDWA District- Aurangabad

1. Kalawati Devi @ Kalawati Danth Wife of Manoj Yadav Resident of Village - Hardaspur, P.S. - Tandwa, District - Aurangabad
2. Sarita Devi Wife of Krishna Yadav Resident of Village - Hardaspur, P.S. - Tandwa, District - Aurangabad
3. Sunita Devi Wife of Gopal Yadav Resident of Village - Hardaspur, P.S. - Tandwa, District - Aurangabad
4. Prashant Yadav @ Prashant Kumar Son of Udeswar Yadav Resident of Village - Hardaspur, P.S. - Tandwa, District - Aurangabad
5. Arun Yadav Son of Late Sileshwar Yadav @ Tileshwar Yadav Resident of Village - Hardaspur, P.S. - Tandwa, District - Aurangabad
6. Shobha Devi @ Sobha Devi Wife of Anuj Yadav Resident of Village - Hardaspur, P.S. - Tandwa, District - Aurangabad
7. Bholu Kumar Yadav @ Tusar Kumar @ Tusar Yadav Son of Krishna Yadav Resident of Village - Hardaspur, P.S. - Tandwa, District - Aurangabad
8. Anish Kumar Yadav Son of Gopal Yadav Resident of Village - Hardaspur, P.S. - Tandwa, District - Aurangabad
9. Gopal Yadav @ Gopal Kumar Yadav Son of Late Ram Chandra Yadav Resident of Village - Hardaspur, P.S. - Tandwa, District - Aurangabad
10. Miltan Yadav @ Miton Yadav @ Pintu Yadav Son of Lakeshwar Yadav Resident of Village - Hardaspur, P.S. - Tandwa, District - Aurangabad
11. Krishna Yadav @ Krishna Kumar Son of Ram Chandra Yadav Resident of Village - Hardaspur, P.S. - Tandwa, District - Aurangabad
12. Priyanshu Kumar Son of Arun Yadav Resident of Village - Hardaspur, P.S. - Tandwa, District - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Urmila Devi Mahendra Paswan R/V- Haridaspur, P.S. Tandwa, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar Pandey, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 04-02-2026 Heard learned counsel for the appellants and



learned Special Public Prosecutor appearing for the State. Although the notice has been validly served upon respondent No.2, there is no representation on his behalf.

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 22.06.2024 passed by learned Special Judge (SC/ST)-cum-A.D.J.-1st, Aurangabad, in connection with Tandawa P.S. Case No. 35 of 2023 registered under Sections 341, 147, 323, 325 and 504 of the Indian Penal Code read with Section 3(1)(r)(s) 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 a government platform in the village, the children of the family of the informant were going to play music. In the meantime, the appellants came there, started abusing by taking caste name and forbade them to play music and also assaulted them. It is further alleged that when the accused persons were asked why they are assaulting the children, the accused persons entered into the house of the informant and started beating her grandfather-in-law by *lathi*.



On hearing the commotion, the grandson of the informant, aged about 12 years tried to save his great grandfather, then he was thrashed on the ground by Kalawati Devi and Sarita Devi, resulting into fracture of his right hand and injuries in his eye. The accused persons also threatened that the whole family will be killed. Accordingly, the present FIR was lodged.

4. Learned counsel for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against all the appellants. Although there is specific allegation of assault in the F.I.R. against the appellants No.1 and 2, but no injury report is available on record to substantiate the allegation as alleged. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is further submitted that the place of occurrence is alleged to be a public place, but it is not alleged that any public was present so as to attract the provisions of SC/ST Act. 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 has vehemently opposed the prayer for grant of anticipatory bail



to the appellants and submitted that the appellants are actively involved in the present occurrence.

6. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent coupled with the fact that despite valid service of notice, there is no representation on behalf of the informant and no material is there on the record to substantiate the allegations levelled in the FIR, 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 Special Judge (SC/ST)-cum-A.D.J.-1st, Aurangabad, in connection with Tandawa P.S. Case No. 35 of 2023 subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C..

7. Accordingly, this appeal is allowed and the impugned order dated 22.06.2024 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

shivam/-

U		T	
---	--	---	--

