

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3219 of 2025

Arising Out of PS. Case No.-40 Year-2024 Thana- SC/ST District- Araria

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1. Baijnath Yadav S/O Late Kashinath Yadav R/O Village- Madhura Dakshain, Ward No. 04, P.S- Narpatganj, Distt.- Araria.
 2. Sarita Devi W/O Baijnath Yadav R/O Village- Madhura Dakshain, Ward No. 04, P.S- Narpatganj, Distt.- Araria.
 3. Navjeevan Anand S/O Baijnath Yadav R/O Village- Madhura Dakshain, Ward No. 04, P.S- Narpatganj, Distt.- Araria.

... .. Appellant/s

Versus

The State of Bihar & Anr.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gopal Kumar Jha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special PP
For the Informant	:	Mr. Rajnish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 02-04-2026 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State and the 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 20.06.2025 in A.B.P. No. 793 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Araria SC/ST P.S. Case No. 40 of 2024 registered for the offences punishable



under Sections 126(2), 115(2), 352, 351(2), 351(3), 308(3), 76, 303(2) and 61(2) of the BNS, 2023 as well as Section 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellant nos. 1 and 3 have antecedent of one case and appellant no. 2 is a person with clean antecedent and is a woman and the informant alleges that a retail outlet license by a petroleum company was issued in her favour, further informant for running the outlet had obtained a piece of land on lease from the leaseholder and the rent fixed was Rs. 2 Lakhs per year, next alleges that informant had gone for getting the land demarcated, when accused persons including the appellants came and abused her by taking caste name and demanded an amount of Rs. 5 Lakhs for allowing her to get the land demarcated and even assaulted and tore her cloths.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that no doubt a license for retail outlet of petroleum was granted to the informant in lieu whereof a lease was executed in her favour, but then the license got cancelled, as such, the appellants intended to get their land back when the instant false case came to be instituted raising a



dispute. It is also submitted that informant against the cancellation of her license has approached this Court by filing CWJC No. 18755 of 2024 which was taken up on 17.12.2024 and it was observed that any action by the corporation shall be subject to the result of the present writ petition. It is next submitted that the informant with an intent to usurp the leased land has instituted the instant case. It is also submitted that the date of occurrence is 23.11.2024 and the FIR has been instituted on 17.12.2024 i.e. after a delay of more than 23 days, which also casts an aspersion on the case of the prosecution. It is next submitted that as far as allegation of assault and abuse is alleged, the same is general and omnibus in nature.

5. Learned Spl. P.P. for the State as well as the learned counsel appearing on behalf of the informant opposes the appeal.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 20.06.2025 in A.B.P. No. 793 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Araria SC/ST P.S. Case No. 40 of 2024, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender within a period of six weeks from



today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Araria SC/ST P.S. Case No. 40 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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