

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4089 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- SAHODARA District- West Champaran

Lalbabu Yadav S/O Gumraj Yadav Resident of Village- Chamua, P.S-
Shikarpur, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Jay Krishn Kumar S/O Sri Prem Mahto R/O Village- Parsanda, Ward No. 11,
P.S- Sahodara, Distt.- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sharad Kumar Verma, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr. Sanjeev Kumar, Advocate
		Mr. Hari Om, Advocate
		Mr. Sitesh Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 12-02-2026 Heard learned counsel for the appellant, 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
12.08.2024 passed by learned 1st Additional Sessions Judge-
cum-Special Judge, SC/ST Act, Bettiah, West Champaran in
A.B.P. No. 1698 of 2024 arising out of Sahodara P.S. Case No.
52 of 2024 dated 02.06.2024 registered under Sections 147, 148,
149, 341, 323, 324, 504 and 506 of the Indian Penal Code and



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 appellant has been rejected.

3. As per the prosecution case, the informant alleged that on 26.05.2024, when he was working on his land then the appellant along with other co-accused persons came and started abusing and said that this is his land and directed not to work there. On being opposed, all the accused persons assaulted the informant, the co-accused caught him from behind and the appellant assaulted on his head by means of iron rod with intention to kill due to which he sustained head injury. When the informant's uncle came to save him, the co-accused Mohan Yadav caught him and co-accused Sohan Yadav assaulted on his head with an iron rod due to which he also sustained head injury and co-accused Nagendra Kushwaha assaulted on his chest by means of sickle as a result of which he sustained injury. The appellant threatened to leave the land otherwise he would kill him. On hulla, when the villagers gathered, all the accused persons fled away. Thereafter, the injured persons were taken to hospital for treatment.

4. Learned counsel appearing for the appellant submits that the appellant, who bears clean antecedent, is



innocent and has not committed the offence alleged. As regards the allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, learned counsel for the appellant submits that in the backdrop of serious land dispute, the appellant has been falsely implicated in this case. He further submits that the offences of Indian Penal Code are bailable and with regard to offences under the SC/ST Act, the same is not made out as the same was not made in a public place within a public view. Hence, the impugned order may be set aside and the appellant may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent No.2 have vehemently opposed the prayer for grant of anticipatory bail to the appellant and has stated that the appellant is creating hindrance in his possession over the land in question.

6. Considering the entire facts and circumstances of the case and also the fact that the appellant bears clean antecedent, let the above named appellants let the above named appellant, in the event of his arrest/surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions



Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran
in connection with Sahodara P.S. Case No. 52 of 2024 subject
to the conditions laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, the appeal is allowed and the
impugned order dated 12.08.2024 rejecting the prayer for grant
of anticipatory bail to the appellant is set aside.

(Praveen Kumar, J)

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