

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3511 of 2025

Arising Out of PS. Case No.-207 Year-2025 Thana- BIHIA District- Bhojpur

-
1. Kamla Yadav S/o- Late Ramchandra Yadav Village- Katyan ward no- 8 Ps-Bihiya Dist-Bhojpur
 2. Manish Yadav @ Manish Kumar S/o- Kamla Yadav Village- Katyan ward no- 8 Ps-Bihiya Dist-Bhojpur
 3. Ranjan Yadav @ Ranjan Kumar S/o- Ram Lal Yadav Village- Katyan ward no- 8 Ps-Bihiya Dist-Bhojpur
 4. Prithvi Yadav @ Ranglal Yadav S/o- Gopal Yadav Village- Katyan ward no- 8 Ps-Bihiya Dist-Bhojpur
 5. Ram Lal Yadav S/o- Gopal Yadav Village- Katyan ward no- 8 Ps-Bihiya Dist-Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinanath Ram S/o- Dalip Ram Village- Katyan, Ps-Bihiya Dist-Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Priya, Advocate
For the State	:	Mr. Upendra Kumar, APP.
For the Informant	:	Mr. Dhananjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 23-02-2026 Heard Ld. counsel for the appellants and Ld. Additional Public Prosecutor for the State as well as learned counsel for the informant.

2. The present appeal has been preferred by the appellants under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 01.08.2025, passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Bhojpur at Ara in A.B.P. No. 2072 of 2025, arising out of Bihiyan P.S. Case No.



207 of 2025, whereby learned Court below has rejected the application of the Appellants for anticipatory bail.

3. There is no reference to any accused in the content of the F.I.R. Only in the last, names of accused persons have been given, but in the F.I.R., chain of events of the actual happening has not been described with reference to the accused persons. It is not possible for the Court to know who has committed what, when and how. It also transpires that no exact words of abuse has been mentioned in the F.I.R. Only allegation is that caste indicting abuse was hurled on the informant, but from the F.I.R., it transpires that on account of altercation on the previous night, the occurrence had taken place as a revenge. However, there is no specific allegation what injury was caused to the accused. There is only allegation of throwing some bricks and stone pieces on the victim, but there is no mention of any injury.

4. Ld. counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. She further submits that the whole allegation is false and fabricated with intent to harass the accused persons on account of enmity, moreover, no injury has been caused. Even as per the allegation, accused persons have not been named, nor



place of occurrence has been stated. It is also alleged that the occurrence has taken place at public view, nor is any statement in the F.I.R. that the accused persons belong to non-SC/ST Community. As such, no offence under SC/ST Act is applicable and at most it may be a case of Section 323 of I.P.C. and allegation regarding stealing *mangalsutra* is frivolous and superficial.

5. It is also stated in paragraph no. 2 of the petition that the appellants have not moved earlier before this Court for grant of anticipatory bail. It has further been stated in paragraph no. 3 that the appellants have no criminal antecedent.

6. However, the Ld. Additional Public Prosecutor for the State and learned counsel for the informant submit that it is a *prima facie* case under SC/ST Act is made out and hence, anticipatory bail petition is not maintainable.

7. I find that as per the allegation, *prima facie* no offence is made out under SC/ST Act and the alleged offence is frivolous in nature.

8. Considering the aforesaid facts and circumstances, the present appeal is allowed, setting aside the impugned order dated 01.08.2025, passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Bhojpur at Ara in A.B.P. No. 2072



of 2025, arising out of Bihiyan P.S. Case No. 207 of 2025 and directing the appellants, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned Court below, in connection with Bihiyan P.S. Case No. 207 of 2025, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the appellants have any criminal antecedents, learned court below shall cancel the bail bonds of the appellants after hearing them and getting satisfied that the appellants have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the appellants.

9. The appeal stands allowed, accordingly.

(Jitendra Kumar, J.)

ravishankar/-

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

