

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3560 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- MAIGRA District- Gaya

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1. Sudama Yadav S/o- Krishna Yadav Village- Maigra PS- Maigra, Dist- Gaya
 2. Krishna Yadav S/o- Balgivind Yadav Village- Maigra PS- Maigra, Dist- Gaya
 3. Dharendra Yadav S/o- Krishna Yadav Village- Maigra PS- Maigra, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonu Kumar S/o- Dashrath Bhuiyan Village- Plus PS- Maigra, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Md. Javed Jafar Khan, Adv
For the Respondent/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 06-01-2026 Heard learned counsel for the appellants, Mr. Binay Krishna learned Spl. PP. for the State and learned counsel for the informant.

2. Learned counsel appearing on behalf of the appellants, after some arguments, seeks permission to withdraw the appeal with respect to appellant no.1, namely, Sudama Yadav.

3. Permission is accorded.

4. 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 01.08.2025 in A.B.P. No. 187 of 2025 passed by the learned Exclusive Special Judge S.C./S.T, Gaya, in connection with Maigra P.S. Case No. 36 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 74, 109, 352, 351(2), 3(5) of the B.N.S. AND Sections 3(1)(r), 3(1)(s), 3(2) (v-a) of the SC/ST (PoA) Act.

5. Learned counsel for the appellants submits that the appellants nos. 2 and 3 are persons with clean antecedent and the informant alleges that on 19.05.2025 at about 8:00 P.M., he had gone to his agricultural field where he saw the named accused persons including the appellant watering his field accordingly the informant and his brother objected the same, it is further alleged that the named accused person including the appellants assaulted the informant by rod on his head causing injury, thereafter, Krishna Yadav (appellant no. 2) assaulted the brother of the informant by axe causing injury on head. It is next alleged that when informant and his brother tried to escape from the place of occurrence, accused Sudama Yadav (appellant no. 1) assaulted with knife causing injury to his brother while Chotu Yadav and Rambali Yadav assaulted Suraj Paswan and Krishna Yadav (appellant no. 2) along with Dharmendra Yadav outraged



the modesty of women of the family member, further 8-10 unknown miscreants came from the side of the appellants and started assaulting the informant and his side by fist and lathi.

6. 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 from perusal of the allegation as alleged in the FIR it would manifest that on account of dispute relating to land the alleged occurrence is alleged to have taken place. It is next submitted that on account of dispute an altercation took place in which both side assaulted each other. It is also submitted that as far as allegation of abuse is alleged the same is general and omnibus in nature and it does not appear probable that all the accused person in one go would have started abusing the side of the informant. It is further submitted that even injuries suffered by the injured has been opined to be simple in nature. It is reiterated and submitted that occurrence took place on account of land dispute and not for the reason that informant belongs to SC category.

7. Learned Spl. P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the appellant but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that



the occurrence took place on account of land dispute and allegation of abuse is general and omnibus in nature.

8. In view of the submissions made by the learned counsel for the appellants, the order dated 01.08.2025 in A.B.P. No. 187 of 2025 passed by the learned Exclusive Special Judge S.C./S.T, Gaya, in connection with Maigra P.S. Case No. 36 of 2025 is hereby set aside and the appellants no. 2 and 3 above-named, in the event of their arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Maigra P.S. Case No. 36 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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