

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4381 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- SC/ST District- Gaya

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1. Santosh Kumar @ Santosh Yadav S/o- Nanku Yadav @ Nanka Mahto Village- Hiribagicha Po- Dema Ps- Mohanpur Hiribagicha Bodh Gaya Dist-Gaya
 2. Pappu Yadav Son of Kishori Yadav Village- Hiribagicha Po- Dema Ps- Mohanpur, Laru, Dist-Gaya
 3. Uday Yadav @ Uddi Yadav Son of Bodhi Yadav Village- Hiribagicha Po- Dema Ps- Mohanpur Dangra Barachatti, Dist-Gaya
 4. Sanjay Yadav @ Littu Yadav Son of Kuleshwar yadav Village- Hiribagicha Po- Dema Ps-Mohanpur Bodh Gaya Dist-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi Wife of Kaila Manjhi Village- Dema Ps- Mohanpur Dist-Gaya

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4520 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- SC/ST District- Gaya

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1. Mahavir Yadav Son of Late Narayan Yadav Resident of Village - Dema, Tola, Haribagicha, Post Dema, Dirawan, P.S. - Mohanpur, Bodh Gaya, District - Gaya, Bihar
 2. Bodhi Yadav Son of Munni Yadav Resident of Village - Hiribagicha, Post Dema, P.S. - Mohanpur, Laru, District - Gaya, Bihar
 3. Vinay Kumar @ Vinay Yadav Son of Sahdev Yadav Resident of Village - Hiribagicha, Post - Dema, P.S. - Mohanpur, Dangra, Barachatti, District - Gaya, Bihar
 4. Pradeep Kumar Son of Rajkumar Yadav Resident of Village - Hiribagicha, Post- Dema, Dirawan, P.S. - Mohanpur, District - Gaya, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi Wife of Kaila Manjhi Panchayat - Dema, P.S. - Mohanpur, District - Gaya, Bihar

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 4381 of 2024)



For the Appellant/s : Mr.Ashar Akhtar
Mr.Aiman Hassan
For the Respondent/s : Ms.Usha Kumari 1-Spl.P.P.
Mr.Shailesh Kumar
(In CRIMINAL APPEAL (SJ) No. 4520 of 2024)
For the Appellant/s : Mr.Ashar Akhtar
Mr.Aiman Hassan
For the Respondent/s : Ms.Usha Kumari 1-Spl.P.P.
Mr.Shailesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-01-2026 1. Heard the learned counsel for the appellants, the learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant.

2. The appellants have challenged the order dated 11.06.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with A.B.P. No.182 of 2024 arising out of SC/ST P. S. Case No.19 of 2024, instituted for the offences under Sections 147, 149, 341, 323, 325, 307, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that the appellants are persons with clean antecedent and the informant alleges that on 02.05.2024 at 8.00 P.M., nine named accused persons including the appellants snatched the motorcycle of his son and addressed him by his



caste name, when his son was going for filling petrol in his bike and also assaulted him, when informant along with his other son and daughter came to save him, the accused assaulted them causing injury on head and three mobiles along with silver chain were snatched.

4. The learned counsel for the appellants submits that 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 allegation of assault and abuse is general and omnibus in nature. It is next submitted that appellant Santosh along with some other accused persons were returning home by a four wheeler and when they reached near village- Rajwar, they saw dozen of people dancing on DJ on the main road, thus causing obstruction to traffic. Accordingly, the appellants haunt in order to disburse the obstruction, but then the villagers did not pay any heed and kept dancing and thereafter, an altercation took place and it were the side of the appellants who were assaulted. It is also submitted that it does not appear probable that nine accused/appellants all of a sudden would have appeared in the night intercepting the son of the informant and would have started abusing and assaulting without any reason. It is next



submitted that even the FIR does not allege any motive for the occurrence which also belies the allegation.

5. The learned Special P. P. as well as the learned counsel appearing on behalf of the informant opposes the appeal.

6. Regard being had to the aforesaid submissions, the order dated 11.06.2024 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with A.B.P. No.182 of 2024 arising out of SC/ST P. S. Case No.19 of 2024, subject to the conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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