

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3718 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- FALKA District- Katihar

1. Laloo Yadav @ Lalu Yadav @ Jay Krishna Kumar S/o Sitaram Yadav
 2. Pawan Kumar @ Pawan Yadav S/o Sitaram Yadav
 3. Sitaram Yadav S/o Saryug Yadav
 4. Jagdish Yadav S/o Saryug Yadav
 5. Sanjay Yadav S/o Saryug Yadav
 6. Bambam Yadav @ Bumbum Yadav S/o Jagdish Yadav
 7. Pintu Yadav @ Pintu Kumar Yadav S/o Jagdish Yadav
 8. Jyoti Mandal @ Jyotish Kumar S/o Bhuto Mandal @ Sikander Mandal
 9. Kaila Mandal @ Sandeep Kumar @ Sandeep S/o Bhuto Mandal @ Sikander Mandal
 10. Sadai Kumar Choudhary @ Sadai Choudhary, S/o Late Nityanand Chaudhary
 11. Sanichar Choudhari @ Srinandan Choudhary S/o Late Nityanand Chaudhary
- Both appellants no. 10 and 11 are resident of Vill. and Post-Baretha, P.S.- Falka, Distt.- Katihar
12. Bhuto Mandal @ Sikander Mandal S/o Prayag Mandal
- All Sl. Nos. 1 to 9 and 12 are resident of Vill.-Rahata, P.O.- Pirmokam, P.S.- Falka, Distt.- Katihar

... Appellants

Versus

1. The State of Bihar
2. Bina Devi, Wife of Phulchand Paswan, Resident of village-Hasli, Pirmokam, Ward No. 12, Police Station- Falka, District- Katihar

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Srinandan Prasad Singh, Senior Advocate Mr. Kumar Sameer, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 23-02-2026 Heard learned senior counsel appearing for the
appellants and learned Special Public Prosecutor for the State.



2. All above-named appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') for setting aside the impugned order dated 07.08.2025 passed by the learned District and Sessions Judge-1-cum-Special Judge, SC/ST, Katihar in connection with Falka P.S. Case No.78 of 2025.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Accused/appellants are named in the FIR and apprehending their arrest in connection with Falka P.S. Case No.78 of 2025 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 117(2), 109, 352 of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.') as well as Sections 3(1)(dh) and 3(1)(d) of the Act and Section 27 of the Arms Act.

5. As per FIR, the appellants alleged to assault the informant and others during occurrence causing head and bodily injuries, with intention to cause their death, where occurrence alleged to arising out of land dispute. The informant claimed to be a member of scheduled castes community.



6. It is submitted by Mr. Srinandan Prasad Sinha, learned senior counsel appearing for the appellants that the occurrence is free fight in nature arising out of land dispute, which has been purchased by appellants side. It is submitted that during occurrence both parties have received injuries, in fact, the appellants side received grievous injuries, who were in peaceful possession of land in issue and it was an attempt to dispossess the appellants. In this connection, it is submitted that the land in issue was purchased from Sadai Kumar Choudhary, who also made accused in this case. It is pointed out that the appellant no.10 already filed a criminal case against informant when they made an attempt to dispossess him in the month of April, 2025 for which Falka P.S. Case No.40 of 2025 was lodged on 06.04.2025.

7. Explaining the issue, it is further submitted by Mr. Sinha that the informant claimed over the land on the basis of Laal card/*parcha* issued by Collector. It is submitted that the card was issued, considering the informant as homeless person but, subsequently, that card/*parcha* was reejected by the Collector, Katihar through its order dated 04,07.2014 as passed in Katihar Miscellaneous Case No.579 of 2010-11. It is



submitted that aforesaid cancellation order of Katihar was challenged before the Bihar Land Tribunal, Patna through B.L.T. Case No.317 of 2015 by informant's side, which was also dismissed on 18th December, 2015 through a reasoned order, which is Annexure-3 of the present petition.

8. Arguing further, it is pointed out that appellant no.10 sold his land to rest of the appellants whereafter, the appellants came over the possession of the land in issue.

9. It is submitted that the allegation *qua* abusing in caste name is not convincing, as same not appears to be made in public view and moreover the occurrence is also not appears arising out of atrocities as defined within the meaning of Act. Learned counsel for the appellants submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in **State of Madhya Pradesh vs. Parasram @ Purushottam [2015 (153) AIC 276]**. It is pointed out that in FIR, there is no whisper about any abuse in caste name and presuming that informant belongs to scheduled castes community, the present FIR was lodged under SC/ST Act. It is submitted that the allegation is not appearing convincing in view of aforesaid factual submissions



and in support of same, learned counsel has relied upon legal reports of Hon'ble Supreme Court as available through **Hitesh Kumar vs. State of Uttarakhand and Anr. [(2020) 10 SCC 710]** and **Gulam Mustafa vs State of Karnataka and Anr. [2023 SCC OnLine SC 603]**.

10. Mr. Sadanand Paswan, learned Special Public Prosecutor while opposing the prayer for bail could not dispute the fact that the occurrence is free fight in nature and further, the aforesaid factual submissions also, which was raised in support of land dispute.

11. The information regarding present proceeding was given to the informant through learned Spl.P.P. but, despite of same, the informant failed to join the present proceeding.

12. In view of aforesaid factual and legal submissions and by taking note of fact, as occurrence is free fight in nature, where both parties have received injuries, coupled with the fact that FIR not even suggest any whispering of abuse by caste name, accordingly, all appellants, above-named, in the event of their arrest or surrender before the court below within a period of four weeks from today, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge-1-cum-Special Judge, SC/ST, Katihar in connection with Falka P.S. Case No.78 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

13. Accordingly, the impugned order dated 07.08.2025 as passed by learned District and Sessions Judge-1-cum-Special Judge, SC/ST, Katihar is set aside.

14. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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