

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3779 of 2025

Arising Out of PS. Case No.-12 Year-2024 Thana- SC/ST District- Saharsa

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1. Lalo Yadav S/O Raj Kumar Yadav Resident of Utesara ward No. 05, P.S- Salkhua and Distt.- Shaharsa.
 2. Laltu Yadav S/O Raj Kumar Yadav Resident of Utesara ward No. 05, P.S- Salkhua and Distt.- Shaharsa.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumitra Devi W/O Late Sukhdev Hazra Resident of Utesara ward No. 05, P.S- Salkhua, Distt.- Shaharsa.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 09-01-2026 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no.2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail vide order dated 08.08.2025 passed by the learned Additional Sessions Judge 1st-cum-Exclusive Special Judge, SC/ST (POA) Act, Saharsha in connection with SC/ST Thana P.S. Case No. 12 of 2024 registered for the offence/s punishable u/ss 341, 323, 376, 504, 506, 34 of the I.P.C and section 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (POA) Act.



3. As per the prosecution case, the informant has alleged that the named accused persons, including the appellants, were attempting to construct a fence over land claimed by her. It is further alleged that upon her objection, appellant no. 1 slapped the informant and assaulted her, while appellant no. 2, allegedly holding a .303 rifle, removed the saree from the body of the informant. It is also alleged that another accused, namely Soni Devi, took away the informant's gold necklace and that the remaining accused persons spat on her face.

4. Learned counsel for the appellants submits that it is false and concocted case and it was on account of an agreement entered into between the appellant and the informant that the construction was being done which was being opposed at regular time and on account of the same the present case has been lodged. It has next been submitted that no such incident as alleged has occurred and moreover, from the perusal of the F.I.R., it would be evident the same was being done with only the appellant and other co-accused persons and the informant at the place of occurrence and as such no Section under SC/ST Act is applicable in the case. Learned counsel lastly submits that appellants have clean antecedents and they are in custody since



25.07.2025.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

6. Considering the aforesaid submissions and facts of the case, the order passed by the learned Trial Court dated 08.08.2025 passed in SC/ST Thana P.S. Case No. 12 of 2024 is accordingly set aside. Let the appellants above named be released on bail on furnishing bail bonds of Rs.10,000/-(ten 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 SC/ST Thana P.S. Case No. 12 of 2024, subject to the following conditions:

(i) One of the bailors of the appellants shall be their close relative and the other shall be the local resident.

(ii) The appellants shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the appellants will be liable to be cancelled by the court



concerned.

(iv) If the appellants are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. The criminal appeal is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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