

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3828 of 2025

Arising Out of PS. Case No.-25 Year-2023 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Rajesh Yadav Son of Dorika Yadav Resident of Village- Sonihar, Ps- Alauli, Dist- Khagaria
 2. Arvbind Yadav Son of Brahmdev yadav Resident of Village- Sonihar, Ps- Alauli, Dist- Khagaria
 3. Md. Sadam @ Shadab Bashir son of Md. Saheb Raja Resident of Village- Sonihar, Ps- Alauli, Dist- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhuvneshwar Sada son of not known Resident of Village- Sonihar, Ps- Alauli, Dist- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indrajit Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-02-2026 Heard the parties.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 30.07.2025 passed by the learned ADJ 1 cum Special Judge (SC/ST), Khagaria, in Special A.B.A. No. 66/2025 in connection with Complaint Case No. 25(c)/2023 registered under Sections 447, 452, 341, 323, 354(B), 379 and 504/34 of the IPC and Sections 3(i)(r)(s), 3(1)(w)(i), 3(1)(a) and 3(2)(va) of the SC/ST (POA) Act and Section 4/6 of the Dain Act.

3. Present appeal is well within limitation as prescribed



under Section 14A(3) of the Act.

4. Despite service of notice to respondent no. 2, informant failed to join the present Court proceedings.

5. As per complaint appellants assaulted complainant and also to abuse in caste name. Complainant claimed himself to be member of SC/ST community.

6. Learned counsel appearing for the appellants submitted that present occurrence took place in the background of land dispute. It is submitted that appellants lodged a case regarding land dispute bearing Case No. 09/21-22, which was decided in their favour against which appeal preferred by the informant before Divisional Commissioner, which was dismissed and therefore, out of aforesaid frustration of losing legal battle the informant lodged the present complaint case, allegation of which cannot be relied upon for the reason as same also not appears supported with any affidavit in view of **Priyanka Srivastava and Another Vs. State of Uttar Pradesh and Others** as reported in **[(2015) 6 SCC 287]**. It is also submitted that allegation qua abusing caste name in public view not appears available. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Hitesh Verma v. State of Uttarakhand, [(2020) 10 SCC**



710].

7. Learned Special P.P. opposed the prayer of bail.

8. In view of the facts and circumstances, as mentioned above and by taking note of fact as primarily dispute between the parties appears civil in nature and abusing in caste name also not appears to be made in public view, accordingly, above-named appellant in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-1 cum Special Judge (SC/ST), Khagaria/concerned Court, where the case is pending in connection with Special A.B.A. No. 66/2025 in connection with Complaint Case No. 25(c)/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. Accordingly, impugned order dated 30.07.2025 is hereby set aside/quashed.

10. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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