

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4850 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- SUHAIL District- Gaya

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1. BIPIN YADAV @ VIPIN YADAV SON OF BAJAN YADAV R/o Village-Majhauri (Manjhauli), P.S.-Sohail, District-Gaya.
 2. Mahendra Yadav Son of Bajan Yadav R/o Village-Majhauri (Manjhauli), P.S.-Sohail, District-Gaya.
 3. Bindu Yadav Son of Somnath Yadav @ Shivnath Yadav R/o Village-Majhauri (Manjhauli), P.S.-Sohail, District-Gaya.
 4. Kapil Yadav @ Kapildeo Kumar Son of Mahendra Yadav R/o Village-Majhauri (Manjhauli), P.S.-Sohail, District-Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Lakhan Bhuiyan Son of Late Rampal Bhuiyan Resident of Village-Majhauri, P.S.-Sohail, District-Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Diwakar
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 21-04-2026 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.
2. No one appears on behalf of the informant.
3. The appellants have challenged the order dated 13.09.2023 passed by the learned Exclusive Special Judge, SC/ST Special Court, Gaya in connection with Sohail P. S. Case No.09 of 2023, instituted for the offences under Sections 341, 323, 504, 506, 34 of the Indian Penal Code and Section 3(1)(r) (s)(f)(g),3(2)(va) of the Scheduled Castes & Scheduled Tribes



(Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

4. The learned Special P.P. submits that in compliance of the order dated 08.11.2023, the concerned Superintendent of Police was informed about the pendency of the instant appeal and was requested to inform the informant about pendency of the appeal through the concerned police station. It is also submitted that informant has been informed about the pendency of the appeal.

5. Since informant has been informant about the pendency of the appeal, as such, the notice is deemed to be validly served.

6. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that 21.01.2023, he had gone on his land at 8.00 A.M. for seeing the crop when accused persons including the appellants came and abused him by taking caste name and threatened to kill and started assaulting and Shiv Nath chased with a sword in hand. Further, earlier they had fired at his house and they want to grab his land.

7. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the



informant on account of dispute relating to land. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that allegation of abuse is general and omnibus in nature. It is also submitted that it does not appear probable that all accused in one go would have abused the informant by taking caste name. It is submitted that allegation of assault is also general and omnibus in nature. It is further submitted that though informant in the FIR alleges that appellants had earlier came to his house and fired, but then, appellants are persons with clean antecedent which amply demonstrates that no case was ever instituted but then the said allegation has been alleged only to give seriousness to the case. It is next submitted that father of appellant no.1 filed T.S. No.251 of 2023 in which informant is a defendant as such a title suit is pending between the parties. It is also submitted that this perhaps explains why the informant despite receiving notice chooses not to appear and contest.

8. The learned Special P.P. opposes the appeal.

9. Regard being had to the aforesaid submissions, the order dated 13.09.2023 is set-aside.

10. The appeal stands allowed.

11. 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 Special Court, Gaya in connection with Sohail P. S. Case No.09 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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