

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4788 of 2024

Arising Out of PS. Case No.-32 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

1. Varun Yadav @ Varun Kumar S/o- Shivdahin Yadav @ Shivdahin Singh Village- Kasi Bigha, P.S.- Neemchak Bathani, District - Gaya
2. Vijay Yadav @ Vijay singh S/o- Shivdahin Yadav @ Shivdahin Singh Village- Kasi Bigha, P.S.- Neemchak Bathani, District - Gaya
3. Makhi Yadav @ Makarjit Singh Son of Kasi Yadav @ Kashi Singh Village- Kasi Bigha, P.S.- Neemchak Bathani, District - Gaya
4. Bhola Yadav @ Raj Kishor Singh Son of Yadu Yadav @ Yadu Singh Village- Kasi Bigha, P.S.- Neemchak Bathani, District - Gaya
5. Kamendra Yadav @ Kamendra Singh Son of Bisheshwar Singh @ Bisheshar Singh Village- Kasi Bigha, P.S.- Neemchak Bathani, District - Gaya
6. Kapil Yadav @ Kapil Singh S/o- Nailu Yadav @ Jogeshar Singh Village- Kasi Bigha, P.S.- Neemchak Bathani, District - Gaya
7. Binda Yadav @ Binda Prasad Son of Bisheshwar Singh @ Bisheshar singh Village- Kasi Bigha, P.S.- Neemchak Bathani, District - Gaya
8. Ajay Yadav Son of Shivdahin Yadav @ Shivdahin Singh Village- Kasi Bigha, P.S.- Neemchak Bathani, District - Gaya
9. Kariya Yadav @ Ranjeet Singh S/o- Late Kasi Yadav @ Kashi Singh Village- Kasi Bigha, P.S.- Neemchak Bathani, District - Gaya
10. Uttam Yadav @ Uttam Kumar Son of Binda Yadav @ Bindu Bhusan Alok Village- Kasi Bigha, P.S.- Neemchak Bathani, District - Gaya
11. Jalandhar Yadav @ Jalendra Singh Son of Late Yadu Yadav @ Yadu Singh Village- Kasi Bigha, P.S.- Neemchak Bathani, District - Gaya
12. Sukhari Yadav @ Ramasray Prasad S/o- Visheshwar Yadav @ Visheshwar Prasad Village- Kasi Bigha, P.S.- Neemchak Bathani, District - Gaya
13. Parsuram Yadav Son of Late Kasi Yadav @ Kashi Singh Village- Kasi Bigha, P.S.- Neemchak Bathani, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Munarik Paswan S/o- Late Dwarik Paswan Village- Telari Ps- Neemchak Bathani Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Durgesh Nandan, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR



ORAL ORDER

4 12-02-2026 Heard learned counsel for the appellants and learned Special Public Prosecutor appearing for the State. Although the notice has been validly served upon respondent No.2, there is no representation on his behalf.

2. Learned counsel for the appellants, at the outset, seeks permission to withdraw the prayer of anticipatory bail of appellants No. 1, 2 and 8, namely, Varun Yadav @ Varun Kumar, Vijay Yadav @ Vijay Singh and Ajay Yadav respectively.

3. Permission is accorded.

4. This appeal with respect to the appellants No. 1, 2 and 8, namely, Varun Yadav @ Varun Kumar, Vijay Yadav @ Vijay Singh and Ajay Yadav respectively are dismissed as withdrawn.

5. Accordingly, this appeal is now taken up for consideration of prayer of anticipatory bail of appellants No. 3 to 7 and 9 to 13, namely, Makhi Yadav @ Makarjit Singh, Bhola Yadav @ Raj Kishor Singh, Kamendra Yadav @ Kamendra Singh, Kapil Yadav @ Kapil Singh, Binda Yadav @ Binda Prasad, Kariya Yadav @ Ranjeet Singh, Uttam Yadav @ Uttam Kumar, Jalandhar Yadav @ Jalendra Singh, Sukhari Yadav @ Ramasray Prasad and Parsuram Yadav respectively.



6. This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 23.09.2024 passed by learned Exclusive Special Judge, SC/ST, Gaya, in A.B.P. No. 293 of 2024 in connection with Neemchak Bathani P.S. Case No. 32 of 2018 dated 24.03.2018, registered under Sections 147, 323, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

7. As per the prosecution case, the informant received an information on 23.03.2018 at 06:30 PM, that one Kamindra Chaudhary of Kashi Bigha was being beaten. Thereafter, he along with police officials went to Kashi Bigha, all the accused persons including these appellants assaulted and abused him by taking caste name and threatened to kill him.

8. Learned counsel appearing for the appellants submits that the appellants No. 4, 5, 9 and 11 bear clean antecedent and appellants No. 3, 6, and 7 have one criminal antecedent, appellant No.8 has three criminal antecedents and appellant No. 10 has two criminal antecedents and no specific overt act has been alleged against them. As regards allegation of



abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act is made out against the appellants. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

9. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that appellants are actively involved in the present occurrence.

10. Considering the entire facts and circumstances of the case, let the appellant Nos. 3 to 7 and 9 to 13, in the event of their arrest/surrender within a period of six weeks be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya, in connection with Neemchak Bathani P.S. Case No. 32 of 2018 subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

11. Accordingly, this appeal is allowed and the



impugned order dated 23.09.2024 rejecting the prayer for grant
of anticipatory bail to the appellants is, hereby, set aside.

(Praveen Kumar, J)

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