

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4817 of 2024

Arising Out of PS. Case No.-134 Year-2024 Thana- CHAKAND District- Gaya

-
1. Radhe Yadav @ Harsh Raj S/O Late Ajay Yadav R/O Village- Siyarbhukka, P.S- Chakand, Distt.- Gaya.
 2. Abhinandan Kumar @ A.P. S/O Satendra Yadav R/O Village- Panchu Bigha, P.S- Chakand, Distt.- Gaya.
 3. Nanku Kumar @ Praveen Kumar @ Nankhu Kumar @ Pravin Kumar S/O Chandradev Saw R/O Village- Siyarbhukka, P.S- Chakand, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sujeet Kumar S/O Dara Paswan R/O Village- Barhi Bigha, P.S- Chakand, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 21-04-2026 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Mr. Sadanand Paswan.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 20.08.2024 in A.B.P. No. 253 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Chakand P.S. Case No. 134 of 2024 registered for the offences punishable under Sections 341, 323, 325, 307,



504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

3. The learned counsel for the appellants seeks permission to withdraw the appeal with respect to appellant no. 2 (Abhinandan Kumar @ A.P.) as he was arrested during pendency of the appeal.

4. Permission is accorded.

5. Learned counsel for the appellants submits that notice was received by the father of the respondent no. 2 and in support of the same, a jointness application has been filed.

6. Since, a jointness application has been filed, as such, the notice is deemed to be validly served.

7. It is next submitted that appellant nos. 2 and 3 are persons with clean antecedent and the informant alleges that on 15.05.2024 at about 05:40 AM, he was coming from his field when he was intercepted by the accused persons including the appellants on two bikes and they assaulted the informant and abused him by taking caste name and threatened of dire consequences, on alarm villagers gathered when accused fled.

8. Learned counsel for the appellants submits appellants have been falsely implicated in the instant case by the informant on account of dispute relating to land. It is next



submitted that allegation of abuse and assault is general and omnibus in nature when SC/ST Act is a stringent act. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest that the occurrence was witnessed by any independent witnesses. It is further submitted that parties have compromised and thus respondent no. 2 despite receiving notice chooses not to appear and contest.

9. Learned Spl. P.P. for the State opposes the appeal.

10. In view of the submissions made by the learned counsel for the appellants, the order dated 20.08.2024 in A.B.P. No. 253 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Chakand P.S. Case No. 134 of 2024, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five 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 Chakand P.S. Case No. 134 of 2024 subject to the conditions as laid down under Section 482 (2) of



the BNSS.

11. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

