

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5013 of 2024

Arising Out of PS. Case No.-31 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

1. Dinesh Yadav @ Dinesh Yad S/O Sadhu Yadav @ Sadhu Saran R/O Village- Kasi Bigha, P.S- Neemchak Bathani, District- Gaya.
2. Vijay Yadav @ Vijay Singh S/O Shivdahin Yadav @ Shivdahin Singh R/O Village- Kasi Bigha, P.S- Neemchak Bathani, District- Gaya.
3. Ajay Yadav S/O Shivdahin Yadav @ Shivdahin Singh R/O Village- Kasi Bigha, P.S- Neemchak Bathani, District- Gaya.
4. Gautam Yadav @ Gautam Kumar S/O Binda Yadav @ Bindu Bhushan Alok R/O Village- Kasi Bigha, P.S- Neemchak Bathani, District- Gaya.
5. Pramod Yadav @ Pramod Kumar S/O Jalandhar Yadav @ Jalendra Prasad R/O Village- Kasi Bigha, P.S- Neemchak Bathani, District- Gaya.
6. Uttam Yadav @ Uttam Kumar S/O Binda Yadav @ Bindu Bhushan Alok R/O Village- Kasi Bigha, P.S- Neemchak Bathani, District- Gaya.
7. Santosh Yadav @ Santosh Kumar S/O Krishna Yadav @ Krishna Prasad Yadav R/O Village- Kasi Bigha, P.S- Neemchak Bathani, District- Gaya.
8. Rakesh Yadav @ Rakesh Kumar S/O Sukhari Yadav @ Ramasharay Prasad R/O Village- Kasi Bigha, P.S- Neemchak Bathani, District- Gaya.
9. Ravindra Yadav @ Ravindra Kumar S/O Kapil Yadav @ Kapil Prasad R/O Village- Kasi Bigha, P.S- Neemchak Bathani, District- Gaya.
10. Manoj Yadav @ Manoj Kumar S/O Suresh Yadv @ Suresh Singh R/O Village- Kasi Bigha, P.S- Neemchak Bathani, District- Gaya.
11. Makhi Yadav @ Makarjit Singh S/O Late Kash Yadav @ Kashi Singh R/O Village- Kasi Bigha, P.S- Neemchak Bathani, District- Gaya.
12. Ravish Yadav @ Ravish Kumar S/O Kapil Yadav @ Kapil Prasad R/O Village- Kasi Bigha, P.S- Neemchak Bathani, District- Gaya.
13. Varun Yadav @ Varun Kumar S/O Shivdahin Yadav @ Shivdahin Singh R/O Village- Kasi Bigha, P.S- Neemchak Bathani, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kavindra Chaudhary S/O Late Dasai Chaudhary R/O Village- Telari, P.S- Neemchak Bathani, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Puja, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA



ORAL ORDER

4 13-03-2026 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

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 24.09.2024 in A.B.P. No. 300 of 2024 passed by the learned Exclusive Special Judge SC/ST, Gaya in connection with Neemchak Bathani P.S. Case No. 31 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 307 and 379 and 504 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned Special Public Prosecutor for the State submits that in compliance of the order dated 22.11.2024 passed by a learned the then Coordinate Bench he had already informed the informant about the pendency of the instant appeal on which learned counsel appearing on behalf of the appellants submits that informant despite receiving the notice chooses not to appear and contest. It is further submitted that appellant no. 1 and 6 have antecedent of two



cases, appellant no. 2 and 3 have antecedent of four cases, appellant no. 4, 5, 7, 8, 9 and 10 are persons with clean antecedent and appellant no. 11 has antecedent of one case and appellant no. 13 has antecedent of five cases and the informant alleges that on 23.03.2018 he had accompanied his wife to the Chhat Ghat when at 06:00 p.m. people of Kashi Bigha started assaulting his son Ranjeet and when informant went to save his son the accused persons including the appellants started abusing him by taking caste name and assaulted him by Garasa and rod causing injury on head and snatched his mobile and Rs.3,000/-, thereafter, the police came and admitted him in a hospital.

4. Learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of abuse and assault is general and omnibus in nature. It is next submitted that it does not appear probable that all the thirteen appellants in one go would have abused the informant by taking caste name. It is also submitted that



though it is alleged that son of the informant was assaulted by the accused persons but then from perusal of para 49 of the case diary, it would manifest that the investigating officer has recorded that Ranjeet disclosed that he did not get himself examined by the Doctor as he suffered mild injury. It is further submitted that the injury of the informant has been opined to be simple. It is thus submitted that had thirteen accused assaulted the informant in that event the injury suffered would not have been opined to be simple in nature. It is next submitted that during the course of investigation appellants were given notice under Section 41(a) of the Cr.P.C. and the appellants cooperated in the investigation, as such, the police never felt the need of arresting them but then the police in a mechanical manner submitted charge-sheet in the year 2018 and thereafter cognizance came to be taken by an order dated 19.03.2022. It is also submitted that since the police never felt the need of arresting the appellants during the course of investigation, whether it would be prudent for the Court to send the appellants to jail merely because cognizance came to be taken, more so when the allegation as alleged is



general and omnibus in nature.

5. Learned Special Public Prosecutor opposed the prayer for anticipatory bail of the appellants and submits that since charge-sheet has been submitted and cognizance has been taken, as such, a prima facie offence is made out and, as such, bar of Section 18 of the SC/ST Act shall apply on which learned counsel appearing on behalf of the appellants submits that appellants never received any summons after cognizance was taken or else they would have approached the Court earlier. It is further submitted that till date process under Sections 82 and 83 Cr.P.C. has not been issued.

6. After hearing the learned counsel for the parties, the Court was inclined to grant the privilege of anticipatory bail to the appellants on the ground that allegation of assault and abuse is general and omnibus in nature and the son of the informant has suffered mild injury and the injury suffered by the informant has been opined to be simple and process under Section 82 Cr.P.C. till date has not been issued but then order of cognizance cannot be ignored, as such, the appellants are directed to surrender before the



learned trial court on 23.03.2026 and if the appellants surrender on 23.03.2026 in that event learned trial court shall consider the case of the appellants on the same day.

7. It is made clear that the learned trial court shall also verify whether process under Section 82 Cr.P.C. has been issued against the appellants or not and if it is found that process under Section 82 Cr.P.C. has been issued in that event the learned trial court shall not be obliged to consider the case of the appellants on the same day.

8. Hence, the instant appeal stands disposed of.

(Satyavrat Verma, J)

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