IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5108 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- Gurupa District- Gaya

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1. Sugiya Devi W/o Anup Yadav R/o vill - Ambatari, P.S. - Chauparan, Distt. - Hazaribagh, Jharkhand
2. Preman Yadav @ Preman Kumar Yadav S/o Anup Yadav R/o vill - Ambatari, P.S. - Chauparan, Distt. - Hazaribagh, Jharkhand
3. Pankaj Yadav @ Pankaj Kumar S/o Anup Yadav R/o vill - Ambatari, P.S. - Chauparan, Distt. - Hazaribagh, Jharkhand
4. Saroj Devi @ Saroj Devi Yadav W/o Preman Yadav @ Preman Kumar Yadav R/o vill - Ambatari, P.S. - Chauparan, Distt. - Hazaribagh, Jharkhand
5. Simpi Kumari @ Simpi Devi W/o Lidhari Yadav @ Khildhari Yadav R/o vill - Ambatari, P.S. - Chauparan, Distt. - Hazaribagh, Jharkhand
6. Rubi Devi W/o Pankaj Yadav @ Pankaj Kumar R/o vill - Ambatari, P.S. - Chauparan, Distt. - Hazaribagh, Jharkhand
7. Mandal Yadav @ Mandal Kumar S/o Dukhi Yadav R/o vill - Ambatari, P.S. - Chauparan, Distt. - Hazaribagh, Jharkhand
8. Pairu Kumar S/o Rajendra Yadav R/o vill - Ambatari, P.S. - Chauparan, Distt. - Hazaribagh, Jharkhand

... ... Appellant/s

Versus

1. The State of Bihar
2. Raju Bhuiyan S/o Late Karu Bhuiyan R/o vill - Dundu, P.s- Gurpa, Distt.- Gaya, Bihar

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Anmol Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.
For the Informant : Mr. Sanjay Kumar Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

6 13-02-2026 Heard learned counsel for the appellants, learned counsel for the respondent No.2 and learned Special Public Prosecutor appearing for the State.

2. This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of

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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. 293/2024 arising out of Gurpa P.S. Case No. 40 of 2024 dated 01.08.2024 registered under Sections 191(3), 190, 126(2), 115(2), 109, 352, 351(2), 303(2) of the B.N.S. and Section 3(1)(g)(r)(s)(2) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, on 01.08.2024 at about 06:00 AM, when the informant was ploughing his field, in the meantime, the appellants armed with weapons came there and started abusing him by taking caste related words, the co-accused Anup Yadav assaulted the informant on his head by means of *tangi* as a result of which he sustained head injury and blood started oozing out, the appellant No.2, Preman Yadav assaulted on his hand with lathi due to which he sustained injury. When his sister-in-law came to rescue, the appellant No.3, Pankaj Yadav assaulted on her hand and head by means of lathi with intention to kill due to which she sustained injury and fell down on the ground and became unconscious. On halla, the informant’s brother came then the appellant No.2, Preman

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Yadav assaulted him with lathi on his hand due to which he sustained injury, when he fell on the ground, the appellant No.1, Sugiya Devi also assaulted him with lathi. When the informant's sister-in-law came to rescue, the appellant No.4, Saroj Devi assaulted her with lathi due to which she sustained injury on her hand. Thereafter, all the accused persons including the appellants threatened to kill the informant and his family members and they wanted to grab his land. The appellant No.1, Sugiya Devi took away mobile phone and Rs. 2000/- of the informant's sister-in-law.

4. Learned counsel for the appellants submits that the appellant No.4 has one criminal antecedent and rest of the appellants have no criminal antecedent and they are innocent and have not committed any offence. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against all the appellants. As regards the allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, learned counsel for the appellants submits that in the backdrop of serious land dispute, the appellants have been falsely implicated in this case. He further submits that the offences of Indian Penal Code are bailable and with regard to offences under the SC/ST Act, the same is not made out as the

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same was not made in a public place within a public view. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent no.2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants. Learned counsel for respondent no.2 states and submits that he has been given the land by way of parwana and the appellants are trying to dispossess them.

6. Considering the entire facts and circumstances of the case and the fact that there are pending dispute between the parties and both of them claimed the title over the land and the allegation, with respect to SC/ST Act, has not been allegedly committed in public view, let the above named appellants, 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 learned Exclusive Special Judge, SC/ST, Gaya, in connection with Gurpa P.S. Case No. 40 of 2024 subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the

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

(Praveen Kumar, J)

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