

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5123 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- SC/ST District- Madhubani

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1. Uday Shankar Yadav S/o- Ramji Yadav Village- Madanpatti ward no 11 PS- Rudrapur Distt-Madhubani
 2. Guddu Kumar Yadav S/o- Vijay Kumar Yadav Village- Madanpatti Jalsain PS- Rudrapur Distt-Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Ram S/o- Late Lakhan Ram Village- Madanpatti Ps- Rudrapur Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivnandan Bharti, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 27-01-2026 1. Heard learned counsel for the appellants and learned Spl. P.P. 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 13.08.2024 in A.B.P. No. 1509 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhubani in connection with Madhubani SC/ST P.S. Case No. 36 of 2024 registered for the offences punishable under Sections 147, 148, 327, 341, 323, 504, 506,



379 and 354(B) of the Indian Penal Code as well as Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(f) and 3(2)(va) of the SC/ST Act.

3. The learned Special PP submits that, in compliance of the order dated 22.11.2024, he had informed the concerned police station to inform the informant about pendency of the instant appeal. It is also submitted that despite information, the informant chooses not to appear and contest.

4. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that his father had purchased a piece of land in the year 2009 from Uday Shankar and Late Vijay Kumar for which Jamabandi No. 3320 was created, further on 27.05.2024 at 11:00 PM he came to know that soil is being filled on the land, accordingly, he reached the place of occurrence and objected and accused persons assaulted him and abused by taking caste name, further on orders of Ashok, accused Baiju assaulted by *farsa* causing injury on head and Baijnath snatched chain of his wife and acted inappropriately with her and Uday was videographing the occurrence and said that the video would be made viral and captured his land.

5. The learned counsel appearing on behalf of the



appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place. It is further submitted that no doubt Uday had sold his land in favour of the father of the informant, but then informant was claiming more land than what was sold to him, as such, an altercation had taken place. It is also submitted that no doubt allegation is of abuse and assault, but then allegation of abuse is not specific and appellants are not alleged to have assaulted the informant or his wife, this perhaps explains why the informant despite having notice chooses not to appear and contest.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 13.08.2024 in A.B.P. No. 1509 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhubani in connection with Madhubani SC/ST P.S. Case No. 36 of 2024 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Trial Court within a



period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Madhubani SC/ST P.S. Case No. 36 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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