

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4573 of 2025

Arising Out of PS. Case No.-6 Year-2021 Thana- SC/ST District- Saharsa

Yogendra Jadav @ Jogendar Yadav S/O Late Aghori Yadav Resident of
village- Bhasti (Basti) P.S- Sonbarsha (Kashnagar), District- Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar
2. Radha Devi W/O Kari Paswan R/O Village- Bhasti (Basti), P.S- Sonbarsha
(Kashnagar), Distt.- Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rashmi Jha, Adv.
For the State	:	Mr. Usha Kumari 1, Special P.P.
For the Respondent No.2	:	Mr. Sugandh Saurav, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 04-06-2026 Heard Ms. Rashmi Jha, learned Advocate for the
appellant and Ms. Usha Kumari No.-1, learned Special P.P for
the State through virtual mode. Respondent no.2 is represented
by Mr. Sugandh Saurav, learned Advocate through virtual mode.

2. The instant appeal is preferred against the order
dated 20.09.2025 passed by the learned A.D.J.-I-cum- Special
Judge SC/ST Act, Saharsa, whereby the prayer for anticipatory
bail of the appellant has been rejected in connection with
Saharsa SC/ST P.S. Case no. 6 of 2021 registered for the
offences punishable under Sections 341, 323, 354, 447, 504,
506/34 of Indian Penal Code and under Sections 3(1)(r)(s)(wi),
3(2)(va) of the Scheduled Castes & the Scheduled Tribes



(Prevention Of Atrocities) Act, 1989.

3. Allegedly on the given date and time of occurrence, while the informant was at her home, in the meanwhile, the appellant along with other accused persons came there and started putting *bamboo fence* on the land of informant. When the same was objected, this appellant started abusing the informant (respondent no. 2 herein) by taking her caste name and thrashed her down by catching the hair. There is further allegation against other co-accused persons of abuse and assault.

4. Learned Advocate for the appellant taking this Court through the F.I.R contended that the alleged occurrence took place on 22.01.2021 at about 9:00 A.M. but surprisingly the present F.I.R came to be instituted on 15.02.2021, without there being any proper explanation of delay, except the respondent no. 2 was pursuing the matter in Panchayat. Hence, the false accusation and afterthought deliberation cannot be ruled out. From the reading of the F.I.R. it is also evident that in order to settle a land dispute, the present F.I.R. has been instituted to put pressure upon the accused persons and wreak vengeance. It is further contended that soon after the institution of F.I.R. the appellant and others have been allowed the privilege of Section 41(1) of the Cr.P.C. However, after



investigation, charge-sheet has been submitted and cognizance is taken for the offence as alleged in the F.I.R. Hence, necessity of the present appeal. It is also contended that with respect to the same cause of occurrence, a complaint case bearing Complaint Case No. 1053/2021 was also instituted, wherein the appellant has been allowed bail. Learned Special Judge while considering the prayer for anticipatory bail has not appreciated the relevant facts that the F.I.R. has been instituted in order to settle the land dispute and the allegation of abuse and assault is nothing but concocted one. There is no independent witness to the alleged occurrence.

5. On the other hand, learned Special P.P. for the State as well as learned Advocate for the respondent no.2 have vehemently opposed the prayer of the appellant and submitted that once the investigation has been conducted and the charge-sheet has been submitted and later on cognizance has been taken for the offences as alleged in the F.I.R., the anticipatory bail is not maintainable in view of the dictum of the Hon'ble Supreme Court in the case of ***Bachu Das vs. State of Bihar & Anr.*** [(2014) 3 SCC 471]. It is further contended that there is specific accusation against the appellant of abusing and assaulting the informant, constituting the offence under the penal provisions



of the SC/ST Act.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that there is inordinate delay of 24 days in lodging of the F.I.R., besides the genesis of the occurrence which clearly shows that the parties are bickering over the land dispute and with regard to fencing, some occurrence has taken place; however, it does not appear that this incidence of intimidation and assault has taken place only on account of the reason that the informant belongs to the member of the vulnerable section of the society and, as such, the penal provision of the SC/ST Act does not attract. This issue has been explained in the decision rendered by the Three Judge Bench of the Hon'ble Supreme Court in the case of **Hitesh Verma vs. State of Uttarakhand & Anr. [(2020) 10 SCC 710]**, where the Court has clarified that all the intentional insult/intimidation would not attract the penal provision of the SC/ST Act, unless such intimidation and assault has been made only on account of the fact that the victim belongs to the vulnerable section of the society. So far the decision in the case of **Bachu Das** (supra) is concerned, this Court has not even a slightest hesitation that whenever the jurisdictional Court, *prima facie*, finds that the



materials on record clearly make out a case under the penal provision of S.C. & S.T. (P.A.O.) Act, the bar under Section 18 thereof comes into play. However, in the case in hand, the materials available on record suggest otherwise, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum- Special Judge (SC/ST Act), Saharsa, in connection with Saharsa SC/ST P.S. Case No. 6 of 2021, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the appellant.

7. In view of the aforesaid facts, circumstances and position obtaining in law, this Court finds substance in the present appeal and accordingly the impugned order dated 20.09.2025 passed by the learned A.D.J.-I-cum-Special Judge SC/ST Act, Saharsa, is hereby set aside. The present appeal stands allowed.

(Harish Kumar, J)

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