

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5491 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- HATHAURI District- Samastipur

1. Mantun Yadav son of Rabindra Yadav Both Resident of Village- Kankar, P.S.-Hathauri District- Samastipur
2. Raja Ram Yadav son of Late Pathlu Yadav Both Resident of Village- Kankar, P.S.- Hathauri District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hare Krishna Prasad, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-01-2026 Despite filing *Vakalatnama*, none appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 13.10.2023 passed by learned Special Judge, SC/ST (POA) Act, Samastipur in ABP No. 3063 of 2023 arising out of Hathauri P.S. Case No. 119 of 2023 registered under Sections 147, 148, 149, 341, 323, 324, 354, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s)(w), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



4. As per F.I.R., these appellants along with other named and 100 unknown persons entered the house of informant, abused informant by caste name, assaulted her daughters, poured kerosene oil on them and vandalized her house.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, present case is counter blast of Hathauri P. S. Case No. 95 of 2023 which was lodged by co-accused Ganga Vishun Yadav against members of Paswan family whereby his minor daughter was kidnapped and in retaliation, this false and concocted case has been lodged only with a view to pressurize the appellants for withdrawal of the aforesaid case. Allegation against appellants is general and omnibus. He further submits that the alleged incident took place inside the house of informant and as such, no case under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on



furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in ABP No. 3063 of 2023 arising out of Hathauri P.S. Case No. 119 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 13.10.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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