

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4631 of 2025

Arising Out of PS. Case No.-89 Year-2025 Thana- Bahera District- Gaya

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1. Malti Devi W/o Naresh Yadav R/o Village - Amraut Dih , Amraut, P.s.- Bahera, District -Gaya
 2. Baleshwar Yadav S/o Late Faguni Yadav R/o Village - Amraut Dih , Amraut, P.s.- Bahera, District -Gaya
 3. Vijay Yadav S/o Late Chandru Yadav @ Late Chandan Yadav R/o Village - Amraut Dih , Amraut, P.s.- Bahera, District -Gaya
 4. Munwa Devi @ Manava Devi W/o Mukhlal Yadav R/o Village - Amraut Dih , Amraut, P.s.- Bahera, District -Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi W/o Badri Chaudhary R/o Village - Amraut Dih , Amraut, P.s.- Bahera, District -Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Durgesh Nandan, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Resp. No. 2	:	Mr. Satya Veer, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-04-2026 Heard learned counsel for the appellants, learned counsel for the respondent No. 2 and learned Special Public Prosecutor for the State.

2. The present Cr. Appeal (SJ) application has been filed for seeking grant of bail and setting aside the order dated 29.08.2025 in A.B.P. No. 222 of 2025 arising out of Bahera P.S. Case No. 89 of 2025, passed by the Exclusive Special Judge, S.C./S.T., Gayaji, for the offence punishable under Sections 126(2), 115(2), 117(2), 76, 303(2), 351(2), 352 & 3(5) of the



Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”) and under Section 3(i) (r) (s) of the SC/ST (POA) Act.

3. As per the prosecution, FIR has been lodged against 10 named accused persons, including the present appellants, alleging that the accused persons used criminal force and attempted to commit an offence by tearing the blouse of the victim, however, she somehow saved herself. Subsequently, the accused persons entered the house of the victim, assaulted the husband, son, and daughter of the informant, snatched Rs. 50,000/- and gold ornaments from the *almirah*, and fled away. Thereafter, some of the accused persons started assaulting with *lathi* and *danda*, inflicting injuries on the husband of the informant, and abused him using caste-based words, threatening that if a case was lodged, there would be dire consequences.

4. Learned counsel for the appellants submits that the appellants are innocent and have committed no offence. Counsel submits that the allegations are in two parts. In the first part, allegations have been made in the present case regarding outraging the modesty of the informant against three named accused persons. Counsel further submits that subsequently the names of all family members have been inserted in the FIR.

5. Counsel further submits that there are no



ingredients of Section 3(i)(r)(s) in the present case, as the only allegation is that the accused persons entered the house of the informant, which subsequently resulted in a scuffle in which the informant's husband received an injury on his left leg and on his head. Counsel further submits that the incident is otherwise, he submits that on the evening of 04.06.2025, when the son of one of the appellants was going to school, he instructed the informant's side not to engage in gambling, and it is due to this reason, the scuffle took place. For this, the appellants' side has already lodged a criminal case bearing Bahera P.S. Case No. 88 of 2025.

6. Counsel further submits that when the informant's side received information about the lodging of the FIR, they filed the present criminal case later on, namely, Bahera P.S. Case No. 89 of 2025, in retaliation. Counsel further submits that both sides are residents of the same village and the scuffle took place over a petty matter, but the initiation was made by the informant's side. Counsel further submits that the criminal antecedents of the appellants are clean, and they are ready to fulfil all the conditions whatsoever may be imposed upon them.

7. Learned counsel for respondent No. 2 vehemently opposes the prayer for bail and submits that it is true that no



specific allegation has been made, however, injuries have been sustained and the said injuries are serious in nature. Counsel further submits that there are direct allegations against three persons, as they entered the house of the informant and tried to outrage her modesty.

8. Learned Special Public Prosecutor for the State opposes the prayer for bail of the appellants but fairly submits that there is a lack of ingredients under Section 3(i) (r) (s) of the S.C./S.T. Act. Counsel further fairly submits that there is a case and counter-case between the parties, and both parties are residents of the same village.

9. In the present facts and circumstances of this case, let the appellants named above be granted bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Exclusive Special Judge, S.C./S.T., Gaya Ji, in connection with A.B.P. No. 222 of 2025 arising out of Bahera P.S. Case No. 89 of 2025, subject to the conditions as laid down U/s 480(3) of the B.N.S.S., 2023 with other following conditions:-

(i) one of the bailor should be the family member of the appellants who shall provide official document to show his bona fide;



(ii) the appellants shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the appellants shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

10. Accordingly, the order dated 29.08.2025 in A.B.P. No. 222 of 2025, arising out of Bahera P.S. Case No. 89 of 2025, passed by the Exclusive Special Judge, S.C./S.T., Gaya, is hereby set aside, and the present anticipatory bail application stands allowed.

(Dr. Anshuman, J.)

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