IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5453 of 2024

CNR No. BRHC011189612024

Arising Out of PS. Case No.-27 Year-2024 Thana- Anandpur District- Banka

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Srikant Yadav @ Shree Kant Yadav @ Shreekant Kum Yadv S/O Chaturgan Yadav @ Chatrughan Yadav Resident Of Chota Kusumghar, P.s.- Anandpur, Dist.- Banka

... ... Appellant/s

Versus

1. The State Of Bihar Patna
2. Mina Devi W/O Lochan Das R/O Vill.- Guhjora, P.O.- Chandwari, P.S.- Anandpur, Dist.- Banka.

... ... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ravi Prakash Dwivedi, Advocate Mr. Saurabh Raj, Advocate Mr. Praveen Kumar
For the Respondent/s	:	Mr. Jharkhandi Upadhyay, APP Mr. Ganesh Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

6 30-10-2026 Heard the learned counsel for the appellant, learned counsel for the State and the learned counsel for the Respondent No. 2.

2. The present appeal has been preferred by the appellant against the order dated 13.11.2024, passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (P.O.A.) Act, Banka, in A.B.P. No. 1194 of 2024, whereby his prayer for anticipatory bail in connection with Anandpur P.S. Case No. 27 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 76, 351(2), 351(3), 352 and 3(5)

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of the Bharatiya Nyaya Sanhita, 2023, and Sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, was rejected.

3. The prosecution case, in brief, is that on 22.07.2024, at about 3:30 P.M., the appellant and other accused persons allegedly arrived at the informant's agricultural field with a J.C.B. machine and started demolishing its boundary. Upon objection, the accused persons allegedly abused and threatened the informant by taking her caste name, displayed a pistol, and assaulted her and the other women present there with kicks, fists and lathis. It is further alleged that the informant's blouse was torn and that Pinki Devi and Rekha Devi were also assaulted. On hearing the commotion, villagers assembled at the spot, whereupon the accused persons fled away.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated due to an existing land dispute. It is further contended that the essential ingredients of the alleged offences under the SC/ST (Prevention of Atrocities) Act are not attracted, as the alleged occurrence took place in the informant's agricultural field and the caste-based abuses were not made within public view. It is also

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submitted that the villagers arrived only after hearing the commotion and that no offence under the Arms Act has been registered despite the allegation of display of a pistol.

5. It is further submitted that the dispute between the parties essentially relates to the demarcation of their respective lands. Pursuant to the directions of this Court, the lands of the appellant and the informant have since been demarcated. It is pointed out that, following such demarcation, the informant has no subsisting grievance against the appellant and has also expressed no objection to the grant of anticipatory bail, subject to the condition that the appellant shall not interfere with her possession in future.

6. Having considered the submissions advanced on behalf of the parties, the nature of the allegations, the background of the dispute and the subsequent development regarding demarcation of the respective lands, this Court is of the view that the appellant has made out a case for grant of anticipatory bail. The apprehension expressed by the informant regarding interference with her possession can adequately be addressed by imposing appropriate conditions.

7. Accordingly, the appeal is allowed. The impugned order dated 13.11.2024, passed by the learned Additional

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Sessions Judge-I-cum-Special Judge, SC/ST (P.O.A.) Act, Banka, in A.B.P. No. 1194 of 2024, is hereby set aside.

8. Consequently, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, the appellant, above-named, shall be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending, or its successor Court, in connection with Anandpur P.S. Case No. 27 of 2024, subject to the conditions prescribed under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the following additional conditions:

(i) The appellant shall mark his attendance at Anandpur Police Station every Sunday of each month. In the event of failure to comply with this condition, the bail granted to the appellant shall be liable to cancellation.

(ii) The appellant shall not interfere with or disturb the possession of the informant/Respondent No. 2 over the disputed property. In the event of any such interference, Respondent No. 2 shall be at liberty to approach this Court directly

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seeking cancellation of the anticipatory bail granted to the appellant.

9. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Sandeep Kumar, J)

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