

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.692 of 2025

Arising Out of PS. Case No.-42 Year-2024 Thana- SC/ST District- Supaul

Shyam Yadav Son of Late Mahindar Yadav Resident of Village - Laurh
Surkaha Tola, Ward No.12, P.S. and District - Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Kajal Kumari Daughter of Dinesh Paswan, Wife of Nitish Kumar Resident
of Village - Laurh Tola Surkaha, Ward No.12, P.S. and District - Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Mishra, Mr. Mukul Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the Informant	:	Mr. Arun Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-11-2025 Heard learned counsel for the appellant, respondent
no. 2 and the State.

2. This appeal has been filed against the order dated 19.12.2024 passed by learned District & Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Supaul in ABA No. 1266 of 2024 arising out of Supaul SC/ST P.S. Case No. 42 of 2024 registered under Sections 126(2), 115(2), 74, 351, 352(2), 3(5) of the Bharatiya Nyaya Sanhita and Sections 3(1)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per F.I.R., on the alleged date and time, when informant was cutting grass in the field, all the named accused



persons including this appellant came there, abused her by caste name and assaulted her by means of fists and slaps and this appellant disrobed her.

4. Learned counsel for the appellant submits that on account of land dispute, scuffle took place between the parties in which both sides sustained injuries. Case and counter case. F.I.R. has been lodged after inordinate delay of four days which itself raises doubt over veracity of the prosecution case. Allegation of assault against appellant is general and omnibus and there is no specific allegation of any overt act against the appellant. As per F.I.R., alleged occurrence took place in the field, far away from public view and as such, no case under SC/ST Act is made out against the appellant. Rest of the allegation is ornamental in nature. Appellant claims clean antecedent.

5. Learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District &



Additional Sessions Judge-I-cum-Special Judge SC/ST Act,
Supaul in ABA No. 1266 of 2024 arising out of Supaul SC/ST
P.S. Case No. 42 of 2024.

7. Accordingly, this criminal appeal is allowed and
impugned order dated 19.12.2024 is set aside with respect to
this appellant only.

(Prabhat Kumar Singh, J)

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