

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1440 of 2025

Arising Out of PS. Case No.-367 Year-2024 Thana- GOGRI District- Khagaria

Rahul Yadav @ Shubham Kumar Son of Naresh Yadav Resident of Village-
Pitaunjhia PS -Gogri District -Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Fantush Paswan son of Hament Paswan Resident of Village- Pitaunjhia PS
-Gogri District -Khagaria

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Amar Kumar Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 09-12-2025 Heard learned counsel for the appellant and Mr.
Sadanand Paswan, learned Special P.P. for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 11.03.2025, passed by learned Additional Sessions Judge, 1st-cum-Special Judge, SC/ST Act, Khagaria in connection with Gogri P.S. Case No.367 of 2024, registered under Sections 191(2), 126(2), 115(2), 109, 75, 303(2) and 352 of B.N.S. as well as Sections 3(i)(r),(s), 3(2)(va) of SC/ST (POA) Act.



3. Learned counsel appearing on behalf of the appellant submits that from perusal of the office report dated 25.11.2025, it would manifest that the same records that notice was validly served on respondent no.2 but then respondent no.2 chooses not to appear and contest. It is next submitted that appellant is a person with clean antecedent and the informant alleges that on 27.09.2024 at 09:00 a.m., the named accused persons along with 20 unknown accused entered his house and started abusing and assaulting and also demanded extortion of Rs.2,00,000/- on point of gun, on protest, the accused persons assaulted his family members and spat on the face of his sister-in-law, thereafter the accused persons assaulted by rod causing injury to his sister-in-laws, mother and brother on head and also looted cash, motorcycle, clothes as detailed in the FIR.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations, as alleged in the FIR, it would manifest that allegation of assault and abuse is general and omnibus in nature. It is also submitted that even presuming what has been alleged is true without admitting then the entire occurrence took place inside the house of the informant thus was not in public view



and as far as appellant is concerned, no specific allegation is alleged against him and this perhaps explains why the informant despite receiving notice chooses not to appear and contest.

5. The learned Special P.P. opposes the appeal.

6. Considering the submissions made by learned counsel for the appellant, let appellant, above named, in the event of his arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Gogri P.S. Case No.367 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

Sanjay/-

U		T	
---	--	---	--

