

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2268 of 2024**

Arising Out of PS. Case No.-87 Year-2024 Thana- FATEHPUR District- Gaya

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1. Subodh Yadav @ Subodh Kumar S/O Ashok Prasad @ Ashok Yadav R/O Village- Pahdi, P.O.-Bahsa Pipra, P.S.- Fatehpur, District-Gaya
  2. Arjun Yadav S/O Late Ram Prasad Yadav @ Ramu Yadav R/O Village- Pahdi, P.O.-Bahsa Pipra, P.S.- Fatehpur, District-Gaya
  3. Kapil Yadav S/O Ram Jatan Yadav @ Jagan Yadav R/O Village- Pahdi, P.O.-Bahsa Pipra, P.S.- Fatehpur, District-Gaya
  4. Ashok Yadav S/O Ram Prasad Yadav @ Ramu Yadav R/O Village- Pahdi, P.O.-Bahsa Pipra, P.S.- Fatehpur, District-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Naresh Paswan S/O Dinesh Paswan R/O Village- Pahdi, P.S.- Fatehpur, District-Gaya

... .. Respondent/s

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**Appearance :**

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| For the Appellants | : | Mr. Brijmohan Das, Advocate |
| For the State      | : | Mr. Usha Kumari 1, APP      |
| For the Informant  | : | None                        |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      10-11-2025                      Heard learned counsel for the appellants and learned Special P.P., Mrs. Usha Kumari 1 for the State. No one appears on behalf of the informant.

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 20.04.2024, passed by Exclusive Special Judge, S.C./S.T., Gaya in connection with Fatehpur P.S. Case No.87 of



2024, registered under Sections 147, 149, 341, 323, 325, 308, 379, 504, 506 and 354(B) of the Indian Penal Code as well as Sections 3(i)(r) and 3(1)(S) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 16.02.2024, he had gone to the shop of Subodh for purchasing certain articles but Subodh on account of previous dispute started abusing him, on protest, Subodh along with five named accused persons including the appellants started assaulting by lathi and rod, on alarm, his wife came when Manish and Subodh with an ill intention caught her hand and tore her blouse and Pintu started abusing her, further on account of assault, his right hand got fractured and received injuries all over his body and became unconscious and Subodh took his golden chain along with Rs.5,000/-.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation, as alleged in the FIR, it would manifest that informant alleges that on account of previous dispute Subodh started abusing him but then the FIR does not disclose about the previous dispute. It is submitted that it does not appear probable



that the occurrence would have taken place at the grocery shop of Subodh for the reason that informant alleges that on alarm his wife came. It is submitted that had the occurrence taken place near the grocery shop, in that event, people would have gathered and not the wife of the informant would have come to the place of occurrence. It is also submitted that FIR also does not even remotely suggests that occurrence was witnessed by any independent witness nor the allegation of assault is specific. It is next submitted that informant alleges that he fell unconscious but then it is also alleged that Subodh took his chain and money, as such, it is submitted that if informant on account of assault was unconscious then how he came to know that his chain and money has been snatched. It is submitted that an altercation had taken place near the house of Subodh when the injured fell down and received injury. It is also submitted that even injury suffered by the injured is simple in nature and appellants are not criminals.

5. Learned Special P.P. opposes the prayer for anticipatory bail.

6. Considering the aforesaid submissions made by learned counsel for the appellants, let appellants, above named, in the event of their 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 bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Fatehpur P.S. Case No.87 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

**(Satyavrat Verma, J)**

*Sanjay/-*

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