

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2743 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- SALAIYA District- Aurangabad

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1. Sajib Yadav @ Sanju Yadav @ Sajib Kumar S/O Saryu Yadav R/O Vill.- Piribigaha, P.S.- Salaiya, Dist.- Aurangabad
 2. Raju Kumar @ Raju Yadav S/O Saryu Yadav R/O Vill.- Piribigaha, P.S.- Salaiya, Dist.- Aurangabad
 3. Saryu Yadav @ Surya Yadav S/O Late Ramkrit Yadav R/O Vill.- Piribigaha, P.S.- Salaiya, Dist.- Aurangabad
 4. Kundan Kumar @ Kundan Yadav S/O Arjun Yadav R/O Vill.- Piribigaha, P.S.- Salaiya, Dist.- Aurangabad
 5. Lakshman Yadav @ Lakshuman Yadav @ Nama Lakshman Yadav S/O Late Ramkrit Yadav R/O Vill.- Piribigaha, P.S.- Salaiya, Dist.- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Gauri Devi W/O Ishwari Chaudhary R/O Vill.- Piribigaha, P.S.- Salaiya, Dist.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shyam Kishore
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-09-2025 1. Heard learned counsel for the appellants, learned Special P.P. for the State and the learned counsel appearing on behalf of the respondent no. 2, Mr. Pramendra Kumar Singh.

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 23.06.2025 in A.B.A. No. 1411 of 2025 passed by



the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T., NDPS & Children Act, Aurangabad in connection with Salaiya P.S. Case No. 48 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 351(1), 352, 303(2) and 3(5) of the BNS, 2023 as well as Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.

3. The learned counsel appearing on behalf of the appellants, after arguing vehemently for some times realizing his difficulty, seeks permission to withdraw the appeal with respect to appellant no. 2, Mr. Raju Kumar @ Raju Yadav.

4. Permission is accorded.

5. It is next submitted that rest of the appellants are persons with clean antecedent and the informant alleges that on 27.04.2025 at about 08:00 AM, 10 named accused persons including the appellants came to her house and started abusing her husband thereafter on objection Raju assaulted her husband and elder brother-in-law, Shiv Chaudhary by *tangi* causing injury on head and thereafter also assaulted the family members of the informant, further Sunil Chaudhary along with Vikash were also assaulted who received injury on head and Raju Yadav snatched her golden chain.

6. The learned counsel appearing on behalf of the



appellants submits that though it has been alleged by the informant that the appellants came and Raju assaulted by *tangi* causing injury on head of the husband of the informant and her elder brother-in-law, but then from perusal of the injury report, it would manifest that the injury suffered by the injured though has been opined to be grievous, but then is caused by hard and blunt substance when *tangi* is a sharp edged weapon. It is next submitted that even presuming what has been alleged is true without admitting then the occurrence did not take place in public view, as the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses. It is also submitted that allegation of abuse is ornamental for the reason that the FIR does not even remotely suggest that any independent witnesses heard the appellants abusing the informant and his side.

7. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the respondent no. 2 opposes the appeal, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that allegation of assault and abuse did not take place in presence of any independent witnesses and the occurrence took place at the doors of the informant.



8. In view of the submissions made by the learned counsel for the appellants, the order dated 23.06.2025 in A.B.A. No. 1411 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T., NDPS & Children Act, Aurangabad in connection with Salaiya P.S. Case No. 48 of 2025, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 court below where the case is pending/successor court in connection with Salaiya P.S. Case No. 48 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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