

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2967 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- SC/ST District- Gaya

Sanjay Yadav @ Sanjay Kumar S/o- Hajariya Yadav @ Late Dwarika Yadav
Village- Shivanagar Mallachak PS- Chandauti District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ms. Poonam Devi W/o- Rajesh Kumar Village- Shivanagar PS- Chandauti District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shivam Kumar, Advocate Mr.Diwakar, Advocate Mr.Deepak Kumar, Advocate Ms.Priya Kumari, Advocate Ms.Saheeba No.2, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, APP
For the Informant	:	Mr. Abhishek Kumar, Advocate Ms.Pragya Sinha, Advocate Mr.Anuranjan Patel, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 18-12-2025 Heard Mr. Shivam Kumar, along with Mr. Diwakar, learned counsels appearing on behalf of the appellant; Mr. Sadanand Paswan, learned APP for the State and Mr. Abhishek Kumar, along with Ms.Pragya Sinha and Mr.Anuranjan Patel, learned counsels appearing on behalf of the Informant.

2. The appellant has preferred appeal under Section 14(A) (2) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act against the rejection of prayer for pre-arrest bail, vide order dated 13.06.2025 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Gaya in A.B.A.



No.156 of 2025 arising out of SC/ST PS Case No.11 of 2025, registered for the offense under Sections 126(2), 115(2), 76, 125, 308(3), 329(4), 351(2), 352, 3(5) of the BNS of the Indian Penal Code and Section 3(1)(r)(s), 3(1)(s), 3(1)(w)(ii) and 3(2)(va) of SC/ST (POA) Act.

3. As per the allegation made in the F.I.R., the appellant forcibly entered into the house of the informant and abused her with caste-based slurs. Thereafter, he assaulted the informant and her husband; demanded a sum of Rs.40,000 as extortion and also threatened the informant to kill her entire family.

4. Learned counsel appearing on behalf of the appellant submitted that the incident has taken place inside the house of the informant and the same is not in public view. Learned counsel further submitted that charge-sheet has been submitted under Sections 126(2), 115(2), 76, 125, 308(3), 329(4), 351(2), 352, 3(5) of the BNS and Sections 3(1)(r)(s), 3(1)(s), 3(1)(w)(ii) and 3(2)(va) of SC/ST (POA) Act. Learned counsel further submitted that during the pendency of the present bail application final form has been submitted and all the other co-accused persons have been exonerated in the final form submitted by the police and the appellant has been given



benefit of Section 35(A) of BNSS. Learned counsel further submitted that on mere perusal of the FIR, it would appear that no allegation has been made out against the appellant of assaulting and committing wrong with the respondent no.1/informant. He further submitted that there is case and counter case between the parties and the reason behind the dispute is that all the inhabitants of the *Mohalla* in which appellant, respondent and other are residing collected money for construction of road and delegated the work of construction to the appellant and the respondent being a neighbor, out of jealousy, has implicated the appellant in the false case.

6. Mr. Abhishek Kumar, learned counsel has tendered his appearance on behalf of the informant and submitted that *prima facie* a clear cut case is made out against the appellant and the appellant don't deserve to be released on pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, having perused the case diary, I find that only minuscule evidence has been collected against the appellant and he has been given benefit of Section 35 (A) of the BNSS. However, considering that charge-sheet has been submitted and there is no question of tampering with the evidence, the appellant is directed to be released on pre-arrest



bail.

8. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with SC/ST (PoA) Act, Gaya in A.B.A. No.156 of 2025, subject to the condition as laid down under Section 482 of the BNSS//438(2) of the Cr.P.C.

9. Accordingly, the impugned order is set aside and the present appeal is allowed.

(Purnendu Singh, J)

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