

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3161 of 2025

Arising Out of PS. Case No.-121 Year-2025 Thana- DELHA District- Gaya

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Bhushan Yadav, S/o- Bisheshwar Yadav, Resident of Village- Dhaniya Bagicha, Ekta Colony, Gaya, P.S.- Delha, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kumkum Devi, W/o- Ram Pravesh Paswan, R/o Village- Dhaniya Bagicha Ekta Colony, P.S- Delha Dist- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Brij Mohan Das, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar Pandey, Sp. P.P.
For the informant	:	Ms. Swati Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 24-11-2025 Heard learned counsel for the appellant, learned counsel for the respondent and learned Spl. 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 08.07.2025 passed by the learned Exclusive Special Judge, S.C./S.T. Act, Gaya in connection with Delha P.S. Case No. 121 of 2025 registered for the offences punishable under Sections 87 and 3(5) of the B.N.S. as well as Sections 3(1)(r), 3(1)(s) of the SC/ST Act.

3. The case of the prosecution, in short, is that the



daughter of the respondent has gone for tuition. When she did not return till 6:30 P.M. she was being searched. It is further alleged that few days ago, Nitish Kumar and Rahushan Yadav the sons of this appellant have threatened of kidnapping the daughter of the respondent. It is further alleged that when the respondent went to the house of the appellant, she was being abused with caste name.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case. He is innocent and has committed no offence. In this case, main thrust of allegation is against the sons whereas the appellant is father. It has also been submitted that during course of investigation, the daughter of respondent was recovered and she has given has statement before the police under Section 180 of the B.N.S.S. wherein she has stated that Nitish Kumar, son of Bhushan is her friend and she has gone with him on her own sweet will. It has also been submitted that from perusal of the F.I.R. itself it is clear that the allegation against the appellant is that he has abused with caste name at his own residence. It has been submitted that the same was not in common purview. The appellant is having no criminal antecedent.

5. Learned Spl. P.P. for the State and learned counsel



for the respondent have vehemently opposed the appeal. Learned counsel for the respondent has submitted that there is allegation against the appellant of abusing the respondent with caste name.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 08.07.2025 passed by the learned Exclusive Special Judge, S.C./S.T. Act, Gaya in connection with Delha P.S. Case No. 121 of 2025 is hereby set aside and the appellant above-named, in the event of his 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. 10,000/- (Rupees Ten Thousand) 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 Delha P.S. Case No. 121 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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