

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.70 of 2026

Arising Out of PS. Case No.-494 Year-2025 Thana- WAJIRGANJ District- Gaya

Deepu Kumar S/O Than Thani Yadav @ Shivalak Yadav R/O Village-
Teekarpar, P.S.- Wazirganj, Dist.- Gaya ji

... .. Appellant/s

Versus

1. The State of Bihar
2. Dular Paswan S/O late Budhan Paswan R/O Village- Amaur, P.S.- Fatehpur,
Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Sinha Ms.Sanjana
For the Respondent/s	:	Ms.Usha Kumari 1 Mr.Birendra Kumar Mr.Kumud Kishore

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 23-04-2026 1. Heard learned counsel for the appellant, the

learned Special Public Prosecutor for the State and the

learned counsel appearing on behalf of the informant.

2. The appellant has challenged the order dated
28.11.2025 passed by the learned Exclusive Special Judge,
SC/ST Gayaji in connection with CIS No.ABP Exclusive
Special SC/ST No.300 of 2025 arising out of Wazirganj P.
S. Case No.494 of 2025, instituted for the offences under
Sections 126, 115(2), 303(2), 352, 351(2) of the Indian
Penal Code and Section 3(1)(r)/3(1)(s) of the Scheduled
Castes & Scheduled Tribes (Prevention of Atrocities) Act,



whereby his prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and the informant alleges that on 22.07.2025 at 4.00 PM, he had gone to fair for purchasing cattle when second son of Than Thani Yadav assaulted him by lathi and abused by taking caste name and snatched Rs.60,000/- and mobile and when people gathered, he fled.

4. The 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 informant was knowing the appellant being second son of Than Thani Yadav as such it does not appear probable that appellant would have assaulted, abused and snatched Rs.60,000/- along with mobile from the informant knowing very well that he would get implicated. It is also submitted that the date of occurrence is 22.07.2025 and the FIR came to be instituted based on a written application of the informant. It is next submitted that if what has been alleged



in the FIR is true, in that event, the fard-bayan of the informant would have recorded at the hospital, had the informant been treated at the hospital on account of assault. It is further submitted that even the FIR does not disclose any motive for the occurrence.

5. The learned Special P. P. as well as the learned counsel appearing on behalf of the informant opposes the appeal, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that the FIR has been instituted after a delay of three days and no motive for the occurrence is alleged.

6. Regard being had to the aforesaid submissions, the order dated 28.11.2025 is set-aside.

7. The appeal stands allowed.

8. The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Gayaji in connection with CIS No.ABP Exclusive Special



SC/ST No.300 of 2025 arising out of Wazirganj P. S. Case
No.494 of 2025, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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