

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.356 of 2025

Arising Out of PS. Case No.-398 Year-2024 Thana- NARDIGANJ District- Nawada

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1. Bhushan Yadav Son of Lakhan Yadav Resident of Village- Fatehpur, PS- Nardiganj, Distt.- Nawada
 2. Sunil Yadav Son of Lakhan Yadav Resident of Village- Fatehpur, PS- Nardiganj, Distt.- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Durga Choudhary S/O Anil Choudhary R/O Vill.- Bajra, Balwapur, P.S.- Hisua, Dist.- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amit Ranjan, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For the Respondent No. 2	:	Mr. Pramod Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 13-02-2026 Heard learned counsel for the appellants, learned Special Public Prosecutor appearing for the State and learned counsel for the respondent no. 2.

2. This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 27.11.2024 passed by learned Exclusive Special Judge, (SC/ST), Nawada, in connection with Nardiganj P.S. Case No. 398 of 2024 registered under Sections 126(20, 115(2), 74, 303(2), 329(4), 352, 351(2) and 3(5) of the B.N.S. read with Section 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. The prosecution case, in brief, is that, on 05.11.2024, at about 3:00 PM, the complainant was traveling in his Scorpio car from Basti Bigha to his residence in Bajra Balwa. When the complainant reached near the house of Bhushan Yadav (appellant no. 1), he noticed that the appellant had placed a peg on the road to tie his cattle, which was broken by his vehicle. Upon reaching his home, the complainant was confronted by Bhushan Yadav (appellant no.1) and Sunil Yadav (appellant no. 2) and both of them began hurling caste-based slurs at him and accusing him of breaking their peg with his car. On this the complainant responded and said that if the peg was broken by my vehicle, I will replace it. The complainant along with his wife went to the house of the appellant to replace the damaged peg then the situation escalated and the appellants and Navlesh Kumar attacked the complainant with sticks and iron rods and when the wife of the complainant, Mina Devi, intervened to mediate the situation, then all the accused persons started assaulting her due to which she sustained severe head injury and became unconscious. At that moment, the daughter of the complainant, namely, Poonam Kumari, arrived to rescue her



then son of Navlesh Kumar and Sunil Yadav grabbed her and thrashed her on the ground. During such altercation, the appellant broke the mobile of the complainant and also snatched Rs. 5000/- from him. On *hulla*, villagers arrived and took Mina Devi and Poonam Kumari to Community Health Center, Hisua for treatment.

4. Learned counsel for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. It is further submitted that the appellants have been falsely implicated in this case merely on the basis of petty dispute between the parties. It is next submitted that the injuries which are sustained by the injured are simple in nature. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act, is made out against the appellants. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State



as well as learned counsel for the respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent, let the above named appellants, in the event of his arrest/surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, (SC/ST), Nawada, in connection with Nardiganj P.S. Case No. 398 of 2024, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 27.11.2024 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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