

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.373 of 2025

Arising Out of PS. Case No.-46 Year-2024 Thana- SC/ST District- Gaya

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1. SHRAWAN YADAV @ SHRAVAN YADAV S/O RAMCHANDRA YADAV @ DHURI YADAV R/O Village- English, P.S.- Chandauti, District- Gaya
 2. GIRJA YADAV @ VIKAS YADAV S/O LATE LALJI YADAV @ LALJEET YADAV R/O Village- English, P.S.- Chandauti, District- Gaya

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. ASHOK PASWAN S/O MASUDAN PASWAN R/O Village- English, P.S.- Chandauti, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 30-04-2026 1. Heard learned counsel for the appellants and learned Special 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 11.11.2024 in A.B.P. No. 336 of 2024 passed by the



learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with SC/ST P.S. Case No. 46 of 2024 registered for the offences punishable under Sections 127(1), 115(2), 303(2), 74, 352, 351(2) and 3(5) of the BNS, 2023 as well as Sections 3(i)(r), 3(i)(s), 3(i)(w) and 3(ii)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that notice was received by the younger brother of the informant and in respect of which a jointness application has been filed.

4. Since a jointness application has been filed, hence the notice is deemed to be validly served.

5. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 08.09.2024 at 07:30 PM while he was going home when Shrawan, Sakin, Kamlesh and Girija intercepted him and said to give the money and abused by taking caste name and snatched Rs. 20,000/-, but informant managed to flee, further after some time, his brother was coming home when Shrawan snatched Rs. 700/- and Kamlesh snatched his cycle while Sakin threatened with pistol and Girija said to assault.

6. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant, on account of dispute relating to *bataidari* and this



perhaps explains why the informant despite receiving notice chooses not to appear and contest. It is also submitted that it does not appear probable that after assaulting and snatching Rs. 20,000/- from the informant, the accused persons would have been waiting at the place of occurrence for the brother of the informant, as it is alleged that after informant fled from the place of occurrence, the accused persons intercepted his brother who was coming home and snatched Rs. 700/- from him and also threatened. It is next submitted that even allegation of abuse is general and omnibus in nature.

7. Learned Special P.P. for the State opposes the appeal.

8. In view of the submissions made by the learned counsel for the appellants, the order dated 11.11.2024 in A.B.P. No. 336 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with SC/ST P.S. Case No. 46 of 2024, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender 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 Trial Court where the case is pending/successor



court in connection with SC/ST P.S. Case No. 46 of 2024
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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