

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.317 of 2026

Arising Out of PS. Case No.-245 Year-2025 Thana- KUSHESHWARASTHAN District-
Darbhanga

-
1. Raj Kishor Yadav S/O- Prameshwar Yadav R/V-Uda Dinmo, P.S.-K. Asthan,
District-Darbhangha
 2. Pappu Yadav S/O- Prameshwar Yadav R/V-Uda Dinmo, P.S.-K. Asthan,
District-Darbhangha

... .. Appellant/s

Versus

1. The State of Bihar
2. Gita Devi W/O Nathuni Ram R/V-Uda Dinmo, P.S.-Kusheshwar Asthan,
District-Darbhangha

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-07-2026 1. Heard learned counsel for the appellants and
learned Special P.P. for the State, Mr. Binay Krishna.

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 10.12.2025 in A.B.P. No. 20 of 2025 passed by the
learned Exclusive Special Judge S.C./S.T. (POA) Act,
Darbhanga in connection with Kusheshwar Asthan P.S. Case
No. 245 of 2025 registered for the offences 126(2), 115(2),
117(2), 303(2), 351(2), 352, 74 and 3(5) of the BNS, 2023 as



well as Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.

3. No one appears on behalf of the informant.

4. The case was earlier taken up on 06.07.2026, on the said date also, no one had appeared on behalf of the informant.

5. Learned counsel for the appellants submits that appellants are persons with clean antecedent and from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that on 07.08.2025 at 04:00 PM, eight named accused persons along with five unknown accused came on her land and abused by taking caste name, on objection appellant no. 1 assaulted her husband by an iron pipe causing injury on leg, while appellant no. 3 assaulted her husband by butt of pistol causing injury on neck and thereafter other accused persons also assaulted her husband.

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 land. It is further submitted that allegation of abuse is not specific rather is general and omnibus in nature and it does not appear probable that all accused in one go would have abused the informant and her husband by taking caste name. It is next submitted that



though it is alleged that appellant no. 2 assaulted her husband by butt of pistol causing injury on neck, but then the FIR has not been instituted under the Arms Act. It is next submitted that date of occurrence is 07.08.2025 and the FIR came to be instituted on 17.08.2025 i.e. after a delay of 10 days which also casts an aspersion on the case of the prosecution. It is further submitted that even presuming what has been alleged is true without admitting against appellant no. 1, then the assault was not on vital part of the body nor the order impugned records about injury suffered by the injured. It is reiterated and submitted that on account of dispute relating to land, the appellants have been falsely implicated in the instant case.

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 10.12.2025 in A.B.P. No. 20 of 2025, 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 Kusheshwar Asthan P.S. Case No. 245 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

