

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.418 of 2026

Arising Out of PS. Case No.-749 Year-2025 Thana- BODHGAYA District- Gaya

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1. Jitendra Yadav @ Jitendra Kumar S/O Sri Nand Kishore Yadav @ Kishori Singh @ Prabhu Yadv @ Kishori Yadav @ Prabhu Yadav Resident of Village- Hariharpur, PS- Bodhgaya, District- Gaya ji
 2. Chhotu Yadav @ Sandeep Kumar @ Chhotu Kumar @ Kumar Sandeep S/O Sri Nand Kishore Yadav @ Kishori Singh @ Prabhu Yadv @ Kishori Yadav @ Prabhu Yadav Resident of Village- Hariharpur, PS- Bodhgaya, District- Gaya ji

... .. Appellant/s

Versus

1. The state of Bihar The Advocate General Patna High court
2. Smt. Belyanti Devi @ Belmanti Devi W/O Pundev Paswan Resident of Village- Hariharpur, PS- Bodhgaya, District- Gaya ji, (Former President Bodhgaya)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ranjeet Choubey, Advocate
For the State	:	Mr.Binay Krishna, Spl P.P.
For the Informant	:	Mr. Ajay Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-03-2026 Heard the parties.

2. This appeal is preferred against the order dated 16.12.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Gayaji in connection with Bodhgaya P.S. Case No. 749 of 2025 registered for the offence under Sections 115(2), 126(2), 351(2), 352, 303(2), 3(5) of the BNS and under sections 3(1)(r)(s), 3(2)(va) of S.C/S.T. (POA) Act by which anticipatory bail filed by the appellants has been rejected.

3. As per the prosecution case, informant Belyanti



Devi reported that appellants and unknown persons arrived armed with deadly weapons and a loaded revolver, hurled caste-based abuses, threatened dire consequences, and snatched a gold chain worth ₹1,50,000 from her son's neck. The incident was captured on CCTV.

4. Learned counsel for the appellants submits that the appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the informant is the ex-chairman of the Nagar Prashid, Bodh Gaya and a police case has been filed by her because of political difference and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State as learned counsel for the informant have vehemently opposed the prayer of the appellants.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears to be a case of *malafide* prosecution and therefore, this application for grant of anticipatory bail is held to be maintainable.

7. Considering the facts of the case and the rival



submissions of the parties, this appeal is allowed and accordingly, the order dated 16.12.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Bodhgaya P.S. Case No. 749 of 2025, is hereby set aside.

8. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya /concerned Court below in connection with Bodhgaya P.S. Case No. 749 of 2025, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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