

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.473 of 2026

Arising Out of PS. Case No.-288 Year-2025 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

Sanjay Yadav, S/O Dileep Yadav Resident of A.P. Colony, Gaya Ji, Police
Station - Rampur, Gaya Ji, Dist - Gaya Ji

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajendra Choudhari, S/O Late Karu Chaudhary R/O Vill.- Ghuttiya, P.S
-Magadh Medical, Dist- Gayaji

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satish Kumar Sinha, Advocate
For the Respondent/s : Ms. Usha Kumari No. 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 23-07-2026 1. Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel
appearing on behalf of the informant.

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 13.01.2026 in CIS No.-A.B.P. Excl. Spl. SC/ST No.
345 of 2025 passed by the learned Exclusive Special Judge,
SC/ST, Gaya Ji in connection with Magadh Medical College
P.S. Case No. 288 of 2025 registered under Sections 126(2),
115(2), 103 and 3(5) of the BNS as well as Sections 3(1)(r)(s),
3(2)(va) and 3(2)(v) of the SC/ST Act.



3. Learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and the informant alleges that on 02.10.2025, at about 03:53 p.m., he received a telephonic information that his brother is in a critical condition, accordingly, he reached the place of occurrence and saw that a vehicle belonging to the forest department was taking away his brother and thereafter the informant inquired from the forest staff who disclosed that appellant had assaulted his brother leading to his death.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same is cryptic and does not inspire confidence for the reason that informant does not disclose that who disclosed the name of the appellant to him. It is next submitted that brother of the informant died a natural death on account of disease.

5. On query of the Court from the learned A.P.P. that as to what is recorded in the postmortem report on which learned A.P.P. submitted that postmortem report records - death might be caused due to disease of lungs and liver and its complication.



6. At this stage, learned counsel appearing on behalf of the informant submits that he has instruction not to oppose the anticipatory bail application of the appellant.

7. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellant.

8. Considering the submissions made by the learned counsel appearing on behalf of the appellant, let the appellant, above-named, in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

10. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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