

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.471 of 2026

Arising Out of PS. Case No.-127 Year-2025 Thana- FULKAHA District- Araria

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Rajeev Yadav @ Rajiv Yadav S/o Bechan Yadav Resident of village -
Manikpur, Ward No. 12, Police Station - Fulkaha, District - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhupdeo Rajak S/o Late Surya Narayan Rajak Resident of village -
Manikpur, Ward No. 15, Police Station - Fulkaha, District - Araria

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 27-04-2026 1. Heard learned counsel for the appellant and
learned Spl. 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 16.12.2025 in A.B.P. No. 2113 of 2025 and 2114 of
2025 passed by the learned 1st Additional Sessions Judge-cum-



Special Judge, Araria in connection with Fulkaha P.S. Case No. 127 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 308(2), 352 and 3(5) of the BNS, 2023 as well as Sections 3(i)(r) and 3(i)(s) of the SC/ST Act.

3. Learned counsel for the appellant submits that respondent no. 2 despite receiving notice chooses not to appear and contest. It is further submitted that appellant has antecedent of five cases and the informant alleges that cattles of accused persons were grazing in his field, on objection accused persons abused by taking caste name and assaulted and Rajeev tried to strangulate by a towel while Yugesh abused by caste name and threatened.

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 a dispute relating to land is brewing in between the parties. It is also submitted that though it is alleged that appellant tried to strangulate the informant by towel, but then no injury report is on record. It is further submitted that as far as allegation of abuse is alleged, the same is general and omnibus in nature and this perhaps explains why informant despite receiving notice chooses not to appear and contest.



5. Learned Special P.P. for the State submits that appellant has antecedent of five case and if privilege of anticipatory bail is granted, the appellant may abscond, on which the learned counsel appearing on behalf of the appellant submits that no doubt appellant has antecedent of five cases, but then they are under Excise Act and minor sections of the IPC. It is also submitted that nature of allegation also needs to be appreciated and the anticipatory bail may not be rejected in a mechanical manner. It is also submitted that if privilege of anticipatory bail is granted, the appellant will not abscond rather will cooperate in the investigation to prove his innocence.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 16.12.2025 in A.B.P. No. 2113 of 2025 and 2114 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Fulkaha P.S. Case No. 127 of 2025, **is hereby set aside** and the appellant above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Fulkaha



P.S. Case No. 127 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that appellant despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the appellant.

8. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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