

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 535 of 2026

Arising Out of PS. Case No.-49 Year-2025 Thana- SC/ST District- Nawada

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1. Shankar Yadav Son of Kuldeep Yadav Resident of Village- Mahuanay @ Mahuyan Ps- Kauakol, Dist- Nawada
 2. Anil Yadav son of Kuldeep Yadav Resident of Village- Mahuanay @ Mahuyan Ps- Kauakol, Dist- Nawada

... .. Appellants

Versus

1. The State of Bihar
2. Suraj Kumar son of Umesh Chaudhari Resident of Village- Mahugay, Ps- Kauakol, Dist- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arvind Kumar, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, Spl. P.P.
For the Respondent No.2:	:	Mr. Arjun Prasad No.1, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL ORDER

3 17-07-2026 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant/Respondent No. 2.

2. The instant appeal has been filed by the appellants against the order dated 05.01.2026 passed in A.B.P. No. 2918 of 2025 passed by the learned Exclusive Special Judge-cum-Special Judge SC/ST (POA) Act, Nawada, whereby the prayer for bail of the appellants in connection with SC/ST P.S. Case No. 49 of 2025, registered for the offences under Section 115(2),126(2), 351(2), 351(3), 352, 109, 3(5) of the B.N.S. and



Section 3(1)(r), 3(1)(s), & (3)(v) of the SC/ST (POA) Act, was rejected.

3. As per the prosecution case, the allegation against the appellants is that they have assaulted the informant and his family members and also abused them by taking caste name.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. He further submitted that the allegation against the appellants are general and omnibus in nature. There is no overt act against the appellants. He further submitted that the appellants have clean antecedent. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against them. The appellants have no intention to disgrace the image of the informant in public view.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants. Learned counsel for the informant submitted that there is specific allegation of assaulted against the appellants, therefore, they do not deserve the benefit of anticipatory bail.

6. Considering the aforesaid facts and circumstances



of the case and the fact that there is general and omnibus allegation has been made against the appellant No. 1 Shankar Yadav, this Court is inclined to allow this appeal only against appellant No.1 Shankar Yadav. Accordingly, the appeal is allowed against appellant No. 1 Shankar Yadav and order dated 05.01.2026 passed by learned Exclusive Special Judge-cum-Special Judge, SC/ST (POA) Act, Nawada, in connection with Nawada SC/ST P.S. Case No. 49 of 2025, is hereby set aside.

7. let the above named Appellant No. 1 Shankar Yadav, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nawada SC/ST P.S. Case No. 49 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita, 2023.

8. So far as Appellant No. 2 Anil Yadav is concerned, taking into account the facts and circumstances of the case and specific allegation of assault against the appellant No. 2, this Court is not inclined to allow the Appeal of Appellant No.2 Anil Yadav, hence, rejected.



If the Appellant No.2 surrenders before the learned Trial Court and makes a prayer for regular bail, the learned Court below, without being prejudiced with this order, may examine the same and pass appropriate order in accordance with law.

(Alok Kumar, J)

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