

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.523 of 2026

Arising Out of PS. Case No.-112 Year-2025 Thana- HALSI District- Lakhisarai

Chamru Yadav S/O Parmeshwar Yadav R/O Village- Manjhawe, P.O-
Manjhawe, P.S- Jamui, District- Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilip Kumar S/O Shibu Paswan R/O Village- Premdiha, P.S.- Halsi, District-
Lakhisarai. Presently posted as Chowkidar at Halsi Police Station.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Anand, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-07-2026 1. Heard learned counsel for the appellant and learned
Special P.P. for the State.

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 05.01.2026 in A.B.P. No. 1446 of 2026 passed by
the learned Additional District and Session Judge-1st-Cum-
Special Judge, S.C./S.T. (POA) Act, Lakhisarai in connection
with Halsi P.S. Case No. 112 of 2025 registered for the offences
punishable under Sections 191(2), 191(3), 190, 126(2), 127(2),
115(2), 121(1), 121(2), 132, 351(2) and 352 of the BNS as well
as Sections 3(i)(r), 3(i)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellant submits that



respondent no. 2 is *Chowkidar*, as such, the respondent is represented by the learned Spl. PP, hence, notice is not required. It is next submitted that appellant has antecedent of three cases and from perusal of the allegations as alleged in the FIR, it would manifest that the informant alleges that accused persons were involved in illegal trade of lifting sand and when the informant along with other police personnel reached the place of occurrence and tried to apprehend the tractor on which the sand was loaded, the driver of the tractor started fleeing but he was apprehended by the police, further when seizure list was being prepared, 20-25 accused arrived with *lathi* and *danda* and attacked the police force and when informant tried to take the tractor away from the place of occurrence, the accused persons abused him by taking caste name.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case being owner of the tractor. It is further submitted that tractor was not seized from the place of occurrence rather was seized a day later but then no minor mineral i.e., sand was found loaded on the tractor, as such, the instant FIR was not instituted under the Mines Act.

5. Learned Special P.P. for the State vehemently



opposes the appeal and submits that from perusal of the allegations as alleged in the FIR, it would manifest that tractor was found carrying illegal sand and when the police reached the place of occurrence and seized the tractor, people gathered and thereafter they assaulted the police force and even abused the informant by taking caste name and freed the tractor and fled with the same. It is thus submitted that since tractor could not be seized at the place of occurrence, hence it appears that the sand was unloaded subsequently. It is also submitted that the appellant is an accused in the instant FIR and being owner of the tractor had interest in freeing the tractor from police custody. It is also submitted that if privilege of anticipatory bail is granted that will lower the moral of the police force.

6. Considering the submission made by the learned Spl. PP, the Court is not inclined to extend the privilege of anticipatory bail to the appellant.

7. Hence, the appeal stands rejected.

(Satyavrat Verma, J)

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