

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.829 of 2026**

Arising Out of PS. Case No.-346 Year-2025 Thana- SIKANDRA District- Jamui

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1. Vishal Kumar Yadav @ Vishal Kumar S/O Nageshwar Yadav Resident of Village- Konan, Police Station- Sikandra, District- Jamui.
  2. Nanhu Yadav @ Nannu Yadav Son of Late Prasadi Yadav @ Prasad Yadav Resident of Village- Konan, Police Station- Sikandra, District- Jamui
  3. Satish Kumar Yadav @ Satish Kumar S/O Nageshwar Yadav Resident of Village- Konan, Police Station- Sikandra, District- Jamui
  4. Rohit Kumar Yadav @ Rohit Yadav S/O Nageshwar Yadav Resident of Village- Konan, Police Station- Sikandra, District- Jamui
  5. Rishi Kumar Yadav @ Rishi Kumar S/O Nageshwar Yadav Resident of Village- Konan, Police Station- Sikandra, District- Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Paswan Son of Pratap Paswan Resident of Village- Konan, Police Station- Sikandra, District- Jamui

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr.Pramod Kumar, Advocate   |
| For the Respondent/s | : | Mr.Binay Krishna, Spl.PP    |
| For the Res. No. 2   | : | Mr. Sharwan Kumar, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL JUDGMENT**

**Date : 17-07-2026**

Heard learned counsel for the appellants, learned counsel for the informant/respondent no. 2 and learned Spl.PP 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 against the refusal of prayer for anticipatory bail by order dated 03.02.2026/ passed by the learned Additional Sessions Judge- 1st -cum-Special Judge, SC/ST, Jamui in connection with



ABP No. 1818 of 2025 arising out of Sikandara P.S. Case No. 346 of 2025, registered for the alleged offences under Sections 126(2), 115(2), 110, 3(5) of the BNS and Sections 3(1)(r)(s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (PoA) Act.

3. As per the prosecution case, the appellants abused the son of the informant taking his caste name and also assaulted him. When the cousin of the informant intervened, he was also assaulted causing fracture of his head.

4. Learned counsel for the appellants submits that the appellants are innocent and they have been falsely implicated in this case. No occurrence in the manner as alleged has ever taken place. There is general and omnibus allegation against all the appellants and it is not clear who has hurled caste abuse or has assaulted the son of the informant or his cousin. The allegation of taking caste name or abusing the son of the informant is not believable considering the non-specific nature of allegation and further only a superficial nature of injury has been found on the son of the informant which is a lacerated wound on left parietal region of size 1/5"x1/4"x1/4". If more than five persons assaulted the son of the informant, in no way only one injury of such nature would be caused. Learned counsel further submits that from the FIR, it is also clear that the same was registered due to political differences and incorporation of provisions of Scheduled Castes



and Scheduled Tribes (PoA) Act are just ornamental. Learned counsel further submits that the appellants are having clean antecedent.

5. Learned Spl.PP as well as learned counsel for the informant/respondent no. 2 oppose the submission made on behalf of the learned counsel for the appellants. Learned counsel for the informant/respondent no. 2 submits that the appellants took caste name of the son of the informant and also assaulted him and his cousin.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the political overtone of the allegations and also considering general and non-specific nature of allegation and further considering lack of material to make out a *prima facie* case under the Scheduled Castes and Scheduled Tribes (PoA) Act in the background of possibility of false accusation, let the appellants above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Additional Sessions Judge-1st-cim-Special Judge, SC/ST, Jamui/court concerned in connection with ABP No. 1818/ 2025 arising out of Sikandara P.S. Case No. 346 of 2025,



subject to the condition laid down under Section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the appellants.
- (ii) The appellants will remain present on each and every date fixed by the court below, if so required by the learned trial court.

7. Accordingly, the impugned order dated 03.02.2026 is set aside and the appeal stands allowed.

**(Arun Kumar Jha, J)**

Anuradha/-

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