IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1082 of 2026

CNR No. BRHC010275212026

Arising Out of PS. Case No.-173 Year-2024 Thana- Gidhaur District- Jamui

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1. Bhola Yadav S/O Shankar Yadav R/O Vill.- Kairakado, P.S.- Gidhaur, Ratanpur, District- Jamui.
2. Sandeep Kumar S/O Krishn Yadav R/O Vill.- Kairakado, P.S.- Gidhaur, Ratanpur, District- Jamui.
3. Rajesh Kumar S/O Damodar Yadav R/O Vill.- Kairakado, P.S.- Gidhaur, Ratanpur, District- Jamui.
4. Rahul Kumar S/O Basuki Yadav R/O Vill.- Bhouratand, P.S.- Gidhaur, District- Jamui.

... ... Appellant/s

Versus

1. The State of Bihar
2. Guddu Paswan S/O Muneshwar Paswan R/O Village- Chotki Tand, P.S- Chakai, Distt.- Jamui.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Akash Raj, Advocate
For the Respondent/s : Mr.Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

5 29-10-2026 1. Heard learned counsel for the appellants, learned A.P.P. for the State Mr. Chandra Bhushan Prasad.

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 24.11.2025 in A.B.P. No. 1565 of 2025 passed by the learned Additional Sessions Judge-I S.C./S.T. (POA) Act, Jamui in connection with Gidhaur P.S. Case No. 173 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 308(3), 303(2), 352, 351 and 3(5) of the BNS as well as

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Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that from perusal of the office report, it would manifest that the notice has been validly served on the informant, but then informant despite receiving notice chooses not to appear and contest.

4. Learned counsel for the appellants submits that appellant No. 1 and 3 have antecedent have two cases and appellant No, 2 is a person with clean antecedent and appellant No. 4 has antecedent of one case and the informant alleges that he is petty contractor in Royal Infra Construction and for the last one month, road construction work has been in progress, however, for the last three days, the said road construction work has been obstructed and stopped by Bhola, Sandeep, Rajesh and Rahul, it is next alleged that Bhola is Mukhiya of Ratanpur Panchayat and when Sunil a Supervisor of the company went to meet Bhola regarding the obstruction when Bhola along with Rajesh, Rahul and Sandeep assaulted him by an iron rod and lathi and demanded ransom of Rs. 3 Lakhs, further on account of non-payment of the extortion amount, the appellants removed the stone chip and cement that were lying at the construction site, it is further alleged that persons working with the informant

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belongs to Scheduled Caste and Scheduled Tribes community and the appellants abused and threatened them by taking caste name.

5. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant, it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation of assault and abuse is general and omnibus in nature, it is further submitted that since the road which was being constructed by the company of the informant was not in consonance with the Government regulation, as such, the same was objected when the instant FIR came to be instituted with false allegation. It is further submitted that during the course of investigation, the appellants were given notice under Section 35(3) of the BNSS and the appellants co-operated in the investigation thus police never felt the need of arresting them, but charge sheet came to be submitted based on which cognizance has been taken, hence appellants apprehend arrest. It is further submitted that when police during the course of investigation never felt the need of arresting the appellants whether it would be prudent for the Court to send the appellants to jail based on an order of cognizance. It is further submitted

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that this perhaps explains why informant despite receiving notice chooses not to appear and contest.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the appellants and submits that since cognizance has been taken, as such, a prima facie case is made out.

7. After hearing the learned counsel for the parties, the Court was inclined to extend the privilege of anticipatory bail to the appellants, but since cognizance has been taken, hence the appeal is disposed of with a direction to the appellants to appear before the learned Trial Court on 25.11.2026.

8. However, it is made clear if appellants appear before the learned Trial Court on 25.11.2026, in that event, the learned Trial Court shall consider and dispose of the case on the same day keeping in mind the fact that police during the course of investigation never felt the need of arresting the appellants and also keeping in mind the observations of this Court as recorded hereinabove.

9. The instant appeal is disposed of.

(Satyavrat Verma, J)

Nitesh/-

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