

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1761 of 2025

Arising Out of PS. Case No.-199 Year-2024 Thana- AKHODHIGOLA District- Rohtas

Bhola Yadav@Santosh Kumar Son of Late Lal Mohar Yadav Village- Suara,
(Suara Tola), P.S.- Baghaila, District -Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Kaushal Kumar son of Basant Paswan village- Mahuari, Ps- Akodhi gola,
Dist- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwari, Advocate
For the Respondent/s : Mr.Binay Krishna,Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 05-01-2026 Heard the parties.

2. This appeal has been preferred under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 05.02.2025 passed by the learned Court of Addl. District and Sessions Judge-XVII-cum-Special Judge, SC/ST Act, Rohtas in connection with Akodhigola P.S. Case No.199 of 2024 registered under Sections 191(2), 191(3), 190, 126(2), 115(2), 303(2), 352 and 351(2) of the B.N.S and Sections 3(i)(r) (s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (POA) Act and Section 27 of the Arms Act.

3. The case of the prosecution is that on account of some dispute, all the accused persons started abusing and



assaulting the informant and his brother Kaushal.

4. Learned counsel for the appellants at the outset submits that it would be apparent from the F.I.R itself that F.I.R has been lodged after a delay of six days and barring Section 303(2) of the B.N.S and provisions of the SC/ST Act, all other sections are bailable in nature. Since the allegation itself is that the accused persons had come to the house of the informant, hence, there is no question of any public view and provisions of SC/ST Act would not be attracted. Further, the allegations of caste based abuses is not attributed to these appellants. The appellants undertake to co-operate in investigation/trial.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants based upon the allegation made in the F.I.R.

6. In view of the fact there is no allegation what-so-ever with regard to any caste based abuses, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act *prima facie* seems to be made out against the appellants.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that allegations of assault and hurling caste based abuses is upon other accused persons and not the appellants herein, let the



appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing each of them bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Addl. District and Sessions Judge-XVII-cum-Special Judge, SC/ST (POA) Act, Rohtas in connection with Akodhigola P.S. Case No.199 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to the following conditions:-

(I) One of the bailors shall be the close relative or family members.

(II) The appellants shall co-operate in the investigation/trial and in case it is found that appellants are not co-operating in the investigation, the prosecution would be at liberty to move for cancellation of bail.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Sandeep Kumar, J)

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