

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2042 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- SC/ST District- Aurangabad

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1. Yugesh Kumar @ Yogesh Kumar Son of Mahichand Yadav @ Mahichan Yadav R/o village - Chandaul, P.S.- Rafiganj, District - Aurangabad
 2. Chhotu Kumar @ Dhananjay Kumar Son of Mahang Yadav R/o village - Chandaul, P.S.- Rafiganj, District - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukhdeo Paswan Son of Ganauri Paswan R/o vill.- Chandaul, P.S.- Rafiganj, District - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 15-07-2026 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Sri Sadanand Paswan.

2. No one appears on behalf of the informant.

3. 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 8-5-2025 in ABP No. 985 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with SC/ST P.S. Case No. 5 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 74, 352, 351(2), 351(3) and 3(5) of the BNS as well as Sections 3(1)(r), 3(1)(s), 3(1)



(w) and 3(2)(va) of the SC/ST Act.

4. Learned counsel for the appellants submits that case diary was called for by an order dated 14-11-2025, but the same till date has not been received.

5. The Court will not wait endlessly for the case diary.

6. Learned counsel for the appellants next submits that appellants are persons with clean antecedent and the informant alleges that on 18-2-2025 in the night at about 8 pm, he had gone to purchase egg from shop of Deepak, when Yogesh and Chhotu came and abused by taking caste name, on objection Yogesh assaulted the informant with *Jhanjhari* causing injury near his ear and when his wife came to save him, the accused persons started scuffling, on alarm nearby people came when the accused fled. It is further alleged that informant is a mason and about 5-7 days back, Yogesh Kumar had asked the informant to work but the informant had refused.

7. 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 even the allegation of abuse is not specific and it does not appear probable that both the accused at the same time would have abused the informant by taking caste name. It is also submitted that though it is alleged that informant was assaulted by Yogesh but then he did not suffer any injury as such the order impugned also does not record about any injury. It is next submitted that on account of dispute as alleged in the FIR, the present



false case came to be instituted after 3 days of the occurrence, which also casts an aspersion on the case of the prosecution.

8. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

9. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

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