

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2281 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- SALAIYA District- Aurangabad

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1. Sudarshan Kumar @ Sudarshan Yadav S/O Kamal Yadav R/O Village- Gajraj Bigha, PS- Salaiya, Distt-Aurangabad(Bihar).
 2. Subai Kumar @ Subai Yadav S/O Kamal Yadav R/O Village- Gajraj Bigha, PS- Salaiya, Distt-Aurangabad(Bihar).
 3. Subhash Kumar @ Subhash Yadav S/O Kamal Yadav R/O Village- Gajraj Bigha, PS- Salaiya, Distt-Aurangabad(Bihar).
 4. Kamal Yadav S/O Late Rajdeo Yadav R/O Village- Gajraj Bigha, PS- Salaiya, Distt-Aurangabad(Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Yadav S/O Sukhadi Yadav R/O Village- Gajraj Bigha, PS- Salaiya, Distt. - Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aman Vishal, Advocate
For the Respondent/s : Ms. Usha Kumari No. 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 16-06-2026 1. Heard learned counsel for the appellants and
learned Special Public Prosecutor 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 19.05.2025 in A.B.P. No. 887 of 2025 passed by the learned 1st District & Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, NDPS & Children Act), Aurangabad in connection with Salaiya P.S. Case No. 36 of 2025 registered



under Sections 126(2), 115(2), 352, 351(2), 303(2), 109 and 3(5) of the BNS as well as Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that from perusal of the office report dated 12.06.2026, it would manifest that ordinary notice has been validly served on respondent no. 2 on 02.01.2026 but respondent no. 2 despite receiving the notice chooses not to appear and contest.

4. Learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 13.03.2025 at 10:00 p.m. his son and his friend Anuj along with Hari and Manoj were intercepted by Sudarshan, Subai, Subhash and Kamal Yadav. It is next alleged that gold chain and cash of Rs.2,500 and Rs.10,000/- was looted on the point of gun from Anuj and Hari. On alarm, sons of the informant, namely, Subhash and Nitish came who were also abused and threatened with pistol by Sudarshan and accused Subhash assaulted the son of the informant also named Subhash by butt of pistol on head.

5. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the



informant. It is further submitted that from the side of the appellants Salaiya P.S. Case No. 37 of 2025 dated 15.03.2025 has been instituted against the informant and his side with an allegation that they assaulted the wife of the appellant no. 1 on the pretext that she is a witch. It is next submitted that in the said occurrence, an altercation took place in which both sides assaulted each other. It is also submitted that both the occurrence took place on 13.03.2025 and both the FIRs came to be instituted on 15.03.2025. It is submitted that the occurrence took place in some other manner but then the instant case came to be instituted with false allegation, as such, it appears that respondent no. 2, despite receiving notice, chose not to appear and contest.

6. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellants.

7. Considering the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants, above-named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, 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 in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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