

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3599 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- KAHALGAON District- Bhagalpur

Mahi Yadav @ Mahendra Kumar @ Modi Yadav @ Madi Yadav Son of Raju Yadav @ Raja Ram Yadav R/O Subbanagar, P.s.- Shivnarayanpur, Dist.- Bhagalpur, Bihar

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Aman Pasawn Son of Manoj Paswan R/O village- Maheshmunda, P.S- Kahalgaon, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Baijnath Sah, Adv
For the Respondent/s	:	Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 06-01-2026 Heard learned counsel for the appellant, Ms. Usha Kumari-1 learned Spl. P.P. 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 24.05.2024 in A.B.P. No. 776 of 2024 passed by the learned Additional District and Sessions Judge SC/ST Act, Bhagalpur, in connection with Kahalgaon P.S. Case No. 43 of 2024 registered for the offences punishable under Sections 147, 341, 323, 307, 504 and 506 of the I.P.C. and Sections 3(1) (i), 3(1)(r), 3(1) (v), 3(1) (a) of the SC/ST Act.



3. Learned counsel for the appellants submits that from perusal of the office report dated 10.11.2025, it would manifest that the notice has been validly served upon Respondent no. 2. It is further submitted that Respondent no. 2 despite receiving notice chooses not to appear and contest. It is next submitted that appellant is a person with clean antecedent and the informant alleges that on 8.1.2024 at about 11:00 A.M., he had gone to the examination center with his sister at Tatar University and after dropping his sister he was returning when the accused persons including the appellant abused him by taking caste name and also assaulted with lathi, danda and fist causing injury.

4. 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 the date of occurrence is 08.01.2024 and the FIR came to be instituted on 18.01.24 i.e., after a delay of ten days without any plausible explanation of the same which cast aspersions on the case of prosecution. It is also submitted that as far as allegation of abuse and assault is alleged the same is general and omnibus in nature. It is also submitted that appellant is a young boy aged about 18 years and if he sent to judicial custody in the nature of allegation as



alleged in the FIR, his entire career would be at stake.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 24.05.2024 in A.B.P. No. 776 of 2024 passed by the learned Additional District and Sessions Judge SC/ST Act, Bhagalpur, in connection with Kahalgaon P.S. Case No. 43 of 2024 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kahalgaon P.S. Case No. 43 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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