

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4035 of 2024**

Arising Out of PS. Case No.-2 Year-2024 Thana- Mau District- Gaya

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Lala Yadav S/o Janeshar Yadav R/o Vill - Idinpur, P.S. - Mau, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar Paswan S/o Rajendra Paswan R/o vill - Idinpur, P.S. - Mau,
Distt. - patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shashank Shekhar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Special PP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 08-01-2026 1. Heard learned counsel for the appellant and
learned Special P.P. for the State, Ms. Usha Kumari No. 1.
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 22.07.2024 in A.B.P. No. 235 of 2024 passed by the
learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in
connection with Mau P.S. Case No. 02 of 2024 registered for the
offences punishable under Sections 147, 149, 341, 342, 323,
308, 504 and 506 of the Indian Penal Code as well as Sections
3(i)r(s) and 3(2)(va) of the SC/ST Act.



4. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that on 24.03.2024 his son Gautam was returning home when he saw one Shivani Kumari talking with a boy at Dak Baba, on seeing his son, the boy fled away and Shivani started assaulting his son and threatened not to disclose that she was talking to a boy to anyone, thereafter, brother of Shivani namely Nikhil came and dragged his son to his house where appellant along with 14 FIR named accused persons brutally assaulted his son by means of fist and slap and threw him outside the house in an unconscious state.

5. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that allegation of assault is general and omnibus in nature and as far as allegation of abuse is alleged, the same is also general and omnibus in nature. It is also submitted that it does not appear probable that all the accused persons in one go would have abused the son of the informant by taking caste name. It is also submitted that informant is not an eye witness to the occurrence. It is next submitted that though it is alleged that FIR named



accused persons assaulted his son but then injury suffered by the injured has been opined to be simple in nature which also belies the allegation of assault.

6. Learned Special P.P. for the State, Ms. Usha Kumari No. 1 opposes the appeal, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that the injury suffered by the injured has been opined to be simple in nature and the allegation of assault and abuse is also general and omnibus in nature, but then the learned Special PP submits that charge sheet has been submitted and cognizance has been taken, as such, a *prima faice* case is made out against the appellant, hence rigors of Section 18 of the SC/ST Act would apply, on which the learned counsel appearing on behalf of the appellant submits that no doubt cognizance signifies *prima facie* case, but then nature of the allegations as alleged in the FIR should also be appreciated.

7. The Court, after hearing the learned counsel for the parties, was inclined to extend the privilege of anticipatory bail to the appellant, but then considering the submission that charge sheet has been submitted and cognizance has been taken, as such, directs the appellant to surrender before the learned Trial Court on 19.01.2026 and the learned Trial Court on the



same day shall dispose of the case keeping in mind the fact that allegation of assault and abuse is general and omnibus in nature.

8. Accordingly, the appeal is disposed of with the aforesaid direction.

(Satyavrat Verma, J)

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