

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3362 of 2025**

Arising Out of PS. Case No.-6 Year-2025 Thana- KONCH District- Gaya

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1. Kailu Yadav S/o- Jatta Yadav Village- Badaule P.S..... Dist- Gaya
  2. Naresh Yadav S/o- Rama Nand Yadav Village- Badaule Ps..... Dist- Gaya

... .. Appellant/s

Versus

1. The Sate of Bihar
2. Sarda Devi W/o- Arbind Das R/o vill- Badaule, P.S- Konch, Dist- Gaya

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Sunil Kumar Yadav, Advocate |
| For the Respondent/s | : | Mr. Sadanand Paswan, APP        |

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**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
ORAL ORDER

3      22-01-2026                      Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 26.06.2025 passed by learned Exclusive Special Judge, SC/ST Gaya, whereby the prayer for bail of the appellants in connection with Konch P.S. Case No. 06 of 2025 under Sections 191(2), 191(3), 190, 329(4), 115(2), 74, 109, 303(2), 352, 351(2), 351(3) of B.N.S. read with Sections 3(i)(r) (s), 3(2)(va) of SC/ST (POA) Act was rejected.

3. The case of the prosecution in short is that while the respondent was alone in her house. Meantime accused persons namely, Mithilesh Kumar Yadav, Manish Yadav and Nitish Yadav, being armed with an iron rod, lathi danda, and



pistol, entered her house, abused her with caste names, and reminded her that she is not following their directions regarding compromising the case. She was threatened. It is further alleged that the appellant, who was having a country-made pistol and *danda* in his hand, arrived and abused her. It is further alleged that the appellant was assaulted with a country-made pistol on her head.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. From perusal of the FIR, it is clear that the name of the appellants does not find place therein. Learned counsel for the appellant submits that the only allegation against the appellant is that he was armed with a country made pistol and danda, and that he assaulted with pistol on the head of the respondent. He further submits that from perusal of the order of the learned trial court, it will transpire that the nature of injury is simple. As regards abusing the respondent by taking caste name is concerned, it has been submitted by the learned counsel for the appellant that the occurrence was not in public view; rather, it occurred inside the house. As there were six persons, it cannot be said that the alleged abuse by caste name was in public view. He further submits that the appellants are languishing in judicial custody



since 26.05.2025.

5.The appeal for bail is opposed by the learned Spl. P.P. for the State and submitted that the appellant has a criminal antecedent of two cases. He also submits that all the accused persons have entered into the house of a lady and abused her.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 26.06.2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Konch P.S. Case No. 06 of 2025 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya.

**(Ashok Kumar Pandey, J)**

Sudhanshu/-

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