IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3269 of 2026

CNR No. BRHC010871782026

Arising Out of PS. Case No.-20 Year-2026 Thana- SC/ST District- Lakhisarai

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Saurabh Kumar S/O Ramdas Yadav R/O Village- Vanshipur, P.S.- Kiul, District- Lakhisarai

... ... Appellant/s

Versus

1. The State of Bihar
2. Ghanshyam Paswan S/O Biro Paswan R/O Jai Nagar, Lal Pahari, Ward no. 33, P.s.- Kabaiya, Dist.- Lakhisarai.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Rekha Ranjan Prasad, Advocate.
For the Respondent/s : Mr. Chandra Bhushann Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 28-10-2026 1. Heard learned senior counsel for the appellant Sri Yogesh Chandra Verma, learned A.P.P. for the State Sri Chandra Bhushan Prasad and the learned counsel appearing on behalf of the informant.

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 24.07.2026 in A.B.P. No. 886 of 2026 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge SC/ST, Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No. 20 of 2026 registered under Sections 126(2), 115,

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117, 281, 125, 109, 352, 351(2) and 3(5) of the BNS as well as Sections 3(1)(r), 3(i)(s) and 3(2)(va) of the SC/ST Act.

3. The SHO and I.O. of the case, in compliance of the order dated 26.10.2026 are present in the Court.

4. Learned senior counsel appearing on behalf of the appellant submits that appellant has antecedent of two cases and the informant alleges that he along with his employer on 11.05.2026 at 12.30 P.M. were coming back home on a motorcycle, when a white colour vehicle passed rashly, on which, informant shouted, as such the white colour vehicle after some distance stopped and two accused persons alighted from the vehicle and asked his name, on which, informant disclosed his name, thereafter an accused wearing white clothes started abusing by taking caste name, on objection, the said accused took out a rod from the vehicle and assaulted him causing injury on head and the other accused also started quarreling, but both fled by the car, further his employer (Sharad) identified the accused in white cloth, as Saurabh (appellant), further informant was brought to Sadar Hospital for treatment.

5. Learned senior counsel appearing on behalf of the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from

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perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that he along with his employer were going back home on a motorcycle, when a white colour vehicle drove passed them rashly, which was objected, thereafter the vehicle stopped after some distance and two accused alighted and an altercation took place, thereafter it is alleged that appellant assaulted causing injury to the informant. It is further submitted that it does not appear probable that appellant after asking the name of the informant would have abused him by taking caste name. It is next submitted that the said allegation has been alleged only with an intent to bring the case under the purview of SC/ST Act. It is next submitted that even presuming what has been alleged is true without admitting then the injury suffered by the injured has been opined to be simple in nature and the blow is not alleged to be repeated.

6. Learned APP and the learned counsel appearing on behalf of the informant opposes the appeal but then are not in a position to rebut the submission of the learned senior counsel appearing on behalf of the appellant that the injury suffered by the injured has been opined to be simple in nature and the blow is not alleged to be repeated and on account of overtaking of the motorcycle by the vehicle, an altercation had taken place.

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7. Considering the submissions made by the learned senior counsel, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond 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 in connection with the aforesaid case, subject to the conditions as laid down under Section 482(2) of the BNSS.

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

9. The personal appearance of the SHO and the I.O. of the case is dispensed with.

(Satyavrat Verma, J)

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