

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3604 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- ASHTHAWAN District- Nalanda

Subhash Yadav @ Shobhash Yadav Son of Subelal Yadav, Resident of Village - Sherpur, P.S.- Asthawan, District - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Gajadhar Paswan Son of Late Ramashish Paswan, Resident of Village - Sherpur, P.S.- Asthawan, District - Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.
For the Respondent No.2:	:	None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 24-02-2026 Heard Ld. counsel for the appellant and Ld. Special Public Prosecutor for the State.

2. Despite notice served upon Respondent No.2/Informant, nobody is present on behalf of the Respondent No.2/Informant.

3. The present appeal has been preferred by the appellant under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 25.07.2025, passed by learned Additional Sessions Judge-VI-cum-Special Judge, SC/ST Act, Nalanda at Bihar Sharif in A.B.P. No. 1086 of 2025, arising out of Asthawan P.S. Case No. 44 of 2025, whereby learned Court



below has rejected the application of the Appellant for anticipatory bail.

4. As per allegation, the appellant along with other co-accused came to the house of the informant and assaulted him and his mother Girja Devi with fists and tore the blouse of Khushbu Devi.

5. Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that there is no allegation which attracts SC/ST Act, because there is no allegation of any abuse by caste name nor is any allegation that informant was assaulted by the appellant with intent to humiliate him and his family members on account of they belonging to Scheduled Caste Community. He further submits that there is also no allegation that the occurrence has taken place at public place, nor is it alleged in the F.I.R. that the accused-appellant belong to other than SC/ST Community. He further submits that as a matter of fact, there was a land dispute and on account of it, there was free fight between both sides and injury on both sides and counter case has been also filed by the appellant bearing Ashthawan P.S. Case No. 45 of 2025 registered for the offences punishable under Sections 190, 191(2), 12692), 115(2), 74,



75(1) and 109 of BNS. He also submits that similarly situated co-accused persons, namely, Aman Yadav, Gula Yadav @ Gulla Yadav and Lalu Yadav @ Lallu Yadav have been already enlarged on anticipatory bail by a Co-ordinate Bench of this Court vide order dated 19.01.2026 passed in Criminal Appeal (SJ) No. 1839 of 2025.

6. It is also stated in paragraph no. 2 of the petition that the appellant has not moved earlier before this Court for grant of anticipatory bail. It has further been stated in paragraph no. 3 that the appellant has one criminal antecedent.

7. However, the Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

8. Considering the aforesaid facts and circumstances, the present appeal is allowed, setting aside the impugned order dated 25.07.2025, passed by learned Additional Sessions Judge-VI-cum-Special Judge, SC/ST Act, Nalanda at Bihar Sharif in A.B.P. No. 1086 of 2025, arising out of Asthawan P.S. Case No. 44 of 2025 and directing the appellant, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of concerned Court below, in connection with Asthawan P.S. Case No. 44 of 2025, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the appellant has any criminal antecedent other than the disclosed one, learned court below shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the appellant.

9. The appeal stands allowed, accordingly.

(Jitendra Kumar, J.)

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