

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3908 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- SC-ST District- Arwal

Chandeshwar Yadav S/O Surajdeo Yaddav Resident of Village- Fakhapur,
Police Station and District- Arwal, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Paswan S/o Surendra Paswan R/o village + P.O.- Fakharpur, P.S.
Arwal, District- Arwal.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kameshwar Prasad Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Resp. No. 2	:	Mr. Dheeraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-04-2026 Heard Mr. Kameshwar Prasad Sinha, learned
counsel for the appellant, Mr. Dheeraj Kumar, learned counsel
appearing on behalf of the Respondent No. 2 as well as Mr.
Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 01.09.2025
passed by the learned Court of Additional Sessions Judge-I-
cum-Special Judge, (SC/ST), Jahanabad in connection with
Arwal (SC/ST) P.S. Case No. 10 of 2025, F.I.R. dated
11.07.2025 registered under Sections 126(2), 191(2), 190,
115(2), 118(1), 109, 351(2), 352 and 3(5) of the BNS, 2023 and
Sections 3(1) (r) (s) and 3(2)(va) of the Scheduled Castes and



Scheduled Tribes Act (Prevention of Atrocities) Act and later on Section 103 of the BNS, 2023 was added.

3. According to the prosecution case, this appellant along with other accused persons have abused and assaulted the son of the informant due to which he received several injuries and later on died during treatment.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. Although the appellant is named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of assault or overt act attributed against the appellant rather the same is attributed against the co-accused, namely, Pavan Kumar and the appellant was present at the present of occurrence. As per the allegation related to the SC/ST act, it appears that there is no specific allegation against the appellant rather there is general and omnibus allegation against all the accused persons including this appellant that they have abused the informant. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody



since 13.07.2025.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant.

6. Considering the aforesaid facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Sessions Judge-I-cum-Special Judge, (SC/ST), Jahanabad in connection with Arwal SC/ST P.S. Case No. 10 of 2025, with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at



any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

