

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3967 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- KASMA District- Aurangabad

Surendra Yadav son of Thakuri Yadav Resident of Village- Khaire Itwa PS-
Kasma Distt- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Raushan Kumar son of Rajesh Paswan Resident of Village- Khaire Itwa PS-
Kasma Distt- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Special PP
For the Informant	:	Ms. Leelawati Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

6 02-04-2026

1. Heard learned counsel for the appellant, learned Spl. P.P. for the State, Mr. Binay Krishna 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 02.09.2025 in A.B.P. No. 2013 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Children & NDPS Act, Aurangabad in connection with Kasma P.S. Case No. 88 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 118(2), 109(2), 352, 351(2), 351(3) and 3(5) of the BNS, 2023 Code as well as Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.



3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that on 15.06.2025 at about 01:00 PM when he had gone to attend call of nature when he was intercepted by nine accused persons including the appellant along with five unknown accused, further the accused persons started abusing him by taking caste name, on objection the accused persons assaulted him and Umesh and Rajkumar Yadav tried to strangle him by a towel, when the villagers started gathering, the accused fled and the informant was taken to the hospital.

4. 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 allegation as alleged in the FIR, it would manifest that allegation of abuse and assault is general and omnibus in nature. It is also submitted that it does not appear probable that all accused in one go would have abused the informant by taking caste name. It is reiterated and submitted that no specific allegation is alleged against the appellant. It is also submitted that though it is alleged that nine accused assaulted him, but then the informant suffered only one injury which has been opined to be grievous, which amply demonstrates the falsity of



the allegation that all accused persons assaulted the informant.

5. Learned Spl. P.P. for the State as well as the learned counsel appearing on behalf of the informant opposes the appeal.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 02.09.2025 in A.B.P. No. 2013 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Children & NDPS Act, Aurangabad in connection with Kasma P.S. Case No. 88 of 2025, **is hereby set aside** and the appellant above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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/successor court in connection with Kasma P.S. Case No. 88 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

Rishabh/-

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

