

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3958 of 2025

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

Raj Kumar Yadav @ Raj Kumar Son of Late Ishwar Dayal Yadav R/o Village
-Khairatwa PS -Kasma Distt -Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Raushan Kumar Son of Rajesh Paswan R/o Village -Khairatwa PS -Kasma Distt -Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-04-2026 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 04.09.2025 in A.B.P. No. 2033 of 2025 passed by the learned 1st District and 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 he had gone to attend nature's call, when nine accused persons including the appellant along with five unknown accused, intercepted him and started abusing him by taking caste name, on objection the accused assaulted him, further Umesh and Rajkumar dragged him by a towel wrapped around his neck and he became unconscious and when he regained consciousness, he found himself in a hospital, when his father and villagers came. It is next alleged that he is not able to drink water.

4. Learned counsel for the appellant submits that Surendra Yadav had moved before this court seeking anticipatory bail by filing Cr. Appeal (SJ) No.3967 of 2025 and the same came to be allowed by an order dated 02.04.2026. It is next submitted that though the case of the appellant is not similar to the case of Surendra Yadav and the only difference is that appellant along with Umesh are alleged to have dragged the informant by wrapping towel around his neck but then it is



submitted that informant suffered only one injury which has been opined to be grievous and the said injury is not on neck. It is further submitted that as far as allegation of abuse is concerned, the same is general and omnibus in nature and it does not appear probable that all 14 accused in one-go would have abused the informant by taking caste name. It is also submitted that allegation of assault is also not specific when the SC/ST Act is a stringent Act.

5. Learned Special P.P. and the learned counsel appearing on behalf of the informant opposes the appeal but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that informant did not suffer any injury on neck. At this stage, learned counsel appearing on behalf of the appellant reiterates and submits that SC/ST Act is a stringent Act and based on general and omnibus allegation, the Court should not in a mechanical manner send an accused to jail, when appellant is a person with clean antecedent.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 04.09.2025 in A.B.P. No. 2033 of 2025 passed by the learned 1st District and 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 abovenamed, 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)

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