

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4013 of 2025

Arising Out of PS. Case No.-416 Year-2024 Thana- BARACHATTI District- Gaya

1. Nandkeshwar Yadav @ Bijli Yadav @ Nandkishore Yadav S/o Bhola Yadav R/o Village - Suraundha, P.S - Barachatti, District - Gaya
2. Murari Yadav @ Murari Kumar @ Mumari Yadav @ Mumari Kumar W/o Ram Awtar Yadav R/o Village - Suraundha, P.S - Barachatti, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sujit Paswan S/o Shivan Paswan R/o Village - Suraundha, P.S - Barachatti, District - Gaya

... .. Respondent/s

Appearance :

For the Appellants	:	Md. Javed Jafar Khan, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Dharendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-07-2026 Heard learned counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 05.08.2025 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 303(2), 352, 351(2) and 3(5) and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been



rejected.

3. As per prosecution case, informant alleged that on 05.09.2024 when he was returning home, in the meantime, all the F.I.R. named accused persons, along with two unknown persons, stopped him, assaulted him, abused him by caste name, snatched his gold chain and cash of Rs. 5,000/- and threatened of dire consequences.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. Appellants are not named in the F.I.R.. Name of appellants surfaced in this case during investigation in the confessional statement of co-accused persons. Save and except confessional statement, there is no material on record to show the complicity of these appellants in the alleged occurrence. The present F.I.R. has been lodged after inordinate delay of six days and there is no plausible explanation for the same. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act is made out against these appellants.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and delay in lodging of the F.I.R., this appeal is allowed and the impugned order dated 05.08.2025 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with A.B.P. No. 192 of 2025 arising out of Barachatty P.S. Case No. 416 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Barachatty P.S. Case No. 416 of 2024.

(Prabhat Kumar Singh, J)

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