

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3974 of 2025

Arising Out of PS. Case No.-493 Year-2024 Thana- BARACHATTI District- Gaya

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1. Nandkeshwar Yadav @ Bijli Yadav @ Nandkishore Yadav S/o Late Bhola Yadav R/o Village - Suraundha, P.S - Barachatti, District - Gaya
 2. Murari Yadav @ Murari Kumar S/o Ram Awtar Yadav R/o Village - Suraundha, P.S - Barachatti, District - Gaya
 3. Shyam Sundar Kumar @ Shyam Sundar Yadav S/o Bhuneshwar Yadav R/o Village - Suraundha, P.S - Barachatti, District - Gaya
 4. Vikash Kumar S/o Yugesh 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 Appellant/s : Mr. Md. Javed Jafar Khan, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 05-05-2026 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and 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 04.08.2025 in A.B.P. No. 191 of 2025 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Barachatti P.S. Case No. 493 of 2024 registered under



Sections 126(2), 115, 352, 351(2) and 3(5) of the BNS, 2023 as well as Sections 3(1)(s) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that appellant no. 1 has antecedent of two cases, appellants no. 2 and 3 have antecedent of one case and appellant no. 4 is a person with clean antecedent and the informant alleges that he along with Raju on 04.11.2024, at about 07:00 p.m., was coming back home on a motorcycle when they were intercepted by six named accused persons including the appellants and Shambhu, Raju, Nand Kishore and Murari caught his collar and abused by taking caste name. Further, when the informant's friend, namely, Raju tried to pacify the issue, Shambhu abused him and assaulted by butt of pistol causing injury on his right eye. Further, villagers came and saved them and brought them back to their home. It is next alleged that accused persons were pressurizing to compromise Barachatti P.S. Case No. 416 of of 2024 instituted by the informant against them. Further, Yogendra had made a video viral using foul language against the informant and Raju.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the



allegation as alleged in the FIR, it would manifest that allegation of abuse is general and omnibus in nature. It is next submitted that it does not appear probable that all six accused in one go would have abused the informant by taking caste name. It is also submitted that as far as allegation of assault is alleged, the informant does not allege that accused persons assaulted him rather alleges that when his friend Raju tried to pacify the issue when Shambhu assaulted him by butt of pistol causing injury over his right eye but then it is submitted that no injury report is on record. It is submitted that informant earlier had implicated some of the appellants in Barachatti P.S. Case No. 416 of 2024 and taking the same as an opportunity implicated the appellants in the instant case with general and omnibus allegation.

5. Learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the appellants but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellants that appellants did not assault the informant and allegation of abuse is general and omnibus in nature when the SC/ST Act is a stringent Act.

6. Considering the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants,



above-named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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