

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3989 of 2025

Arising Out of PS. Case No.-188 Year-2025 Thana- ATRI District- Gaya

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1. Deena Yadav @ Deena Prasad son of Kuldeep Prasad @ Kuldeep Yadav Resident of Village- Ferozpur PS -Atri Dist -Gaya
 2. Indradev Yadav @ Nardev Yadav Son of Late Mathura Yadav Resident of Village- Ferozpur PS -Atri Dist -Gaya
 3. Subodh Kumar @ Subodh Yadav son of Indradev Yadav @ Nardev Yadav Resident of Village - Ferozpur PS - Atri Dist - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kamlesh Das Son of Shivbalak Mochi Resident of Village- Ferozpur PS - Atri Dist - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aryan Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-05-2026 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

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 18.08.2025 in A.B.P. No. 204 of 2025 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Atri P.S. Case No. 188 of 2025 registered under Sections 126(2), 115(2), 110, 303(2), 352, 351(2) and 3(5) of the BNS, 2023 as well as Sections 3(1)(r) and 3(1)(s) of the SC/ST Act.



3. Learned counsel appearing on behalf of the appellants submits that informant, despite receiving the notice, chooses not to appear and contest. It is further submitted that appellants are persons with clean antecedent and the informant alleges that on 18.08.2025, at 07:00 p.m., he was crossing the field of Indradev Yadav @ Nardev Yadav (appellant no. 2) by tractor carrying bricks for construction of house when the accused persons including the appellants intercepted him and Nardev assaulted him by *khanti* causing injury on head and abused by taking caste name. Further, Sunil and Subodh (appellant no. 3) also assaulted the informant while Sujeet pelted stones at his son and Deepak along with Kalu snatched his son's mobile while Deena (appellant no. 1) assaulted his sister-in-law by lathi.

4. Learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant on account of dispute relating to land. It is further submitted that informant himself alleges that he was crossing the land of Nardev by tractor carrying bricks, when the occurrence is alleged to have taken place. It is next submitted that the informant does not assign any motive for the occurrence. It is also submitted that as far as



appellants no. 1 and 3 are concerned, the allegation against them is ornamental and there is no injury report of the sister-in-law of the informant on record and the informant does not allege that by what Sunil and Subodh assaulted him but as far as appellant no. 2 is concerned against him, it is alleged that he assaulted by *khanti* causing injury on head but then the injury has been opined to be simple in nature.

5. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellants and submits that from the side of the appellants also Atri P.S. Case No. 187 of 2025 has been instituted which amply demonstrates that the occurrence had taken place. It is further submitted that appellant no. 2 is alleged to have assaulted the informant by *khanti* causing injury on head and there is a specific allegation against him that he also abused by taking caste name and the occurrence is alleged to have taken place in a field, thus, was in public view but then is not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellants that as far as appellants no. 1 and 3 are concerned, the allegation against them does not inspire confidence and is ornamental in nature.

6. The Court is not inclined to extend the privilege of



anticipatory bail to the appellant no. 2, namely, Indradev Yadav @ Nardev Yadav in connection with the aforesaid case, hence, his prayer for anticipatory bail is rejected.

7. Considering the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants no. 1 and 3, 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.

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

(Satyavrat Verma, J)

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