

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4907 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- SC/ST District- Bhojpur

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1. Vikash Kumar Yadav @ Abhishek Singh S/o Shri Krishna Yadav R/o vill - Motirampur, P.S. - Bihiya, Distt. - Bhojpur
 2. Tilakdhari Yadav S/o Paras Nath Yadav R/o vill - Motirampur, P.S. - Bihiya, Distt. - Bhojpur
 3. Pradip Kumar Yadav S/o Manejar Yadav R/o vill - Motirampur, P.S.- Bihiya, Distt.- Bhojpur
 4. Raju Kumar Yadav @ Raju Yadav @ Raju Kur Yadav S/o Hridayanand Yadav R/o vill - Motirampur, P.S.- Bihiya, Distt.- Bhojpur
 5. Ramlakhan Yadav @ Lakhan Yadav S/o Jagdish Yadav R/o vill - Motirampur, P.S. - Bihiya, Distt.- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Kumar S/o Rajendra Prasad R/o vill - Narayanpur, P.S. - Bihiya, Distt.- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gopal Govind Mishra, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
		Mr. Diwakar, Advocate
		Mr. Deepak Kumar, Advocate
		Ms. Priya Kumari, Advocate
		Ms. Saheeba Naz, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-04-2026 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 21.09.2024 in A.B.P. No. 2067 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara in connection with SC/ST P.S. Case No. 20 of 2024 registered under Sections 147, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code as well as Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 26.03.2024, at 08:30 a.m., cricket was being played in between the village Narayanpur and Motipur in which a fight ensued amongst the children but the dispute was settled. Further, on the same day, in the evening, at 06:00 p.m., the informant and Ramji Ram were going to purchase grocery when the named accused persons including the appellants intercepted them and Pradip Kumar Yadav (appellant no. 3) abused the informant by taking caste name and assaulted by rod causing injury on head while Vikash Kumar (appellant no. 1) assaulted the informant by knife causing injury on rib and the informant fell down and thereafter Nitish Kumar Yadav assaulted him causing injury on head. Further, Suraj Yadav assaulted the informant by rod causing



fracture of leg and Bablu Yadav assaulted by rod causing fracture of right hand thereafter all accused assaulted and abused by taking caste name.

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 on account of dispute amongst the children while playing cricket, the occurrence is alleged to have taken place. It is next submitted that no doubt, it is alleged that accused persons intercepted the informant and assaulted but then from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against the appellants no. 2, 4 and 5. It is also submitted that as far as appellant no. 1 is concerned, he is alleged to have assaulted the informant by knife causing injury on rib but then from perusal of the injury report, it would manifest that informant has not suffered any injury on rib rather has suffered injury on head and leg. It is further submitted that though Pradip Kumar Yadav (appellant no. 3) is alleged to have assaulted the informant by rod causing injury on head but then even Nitish Kumar Yadav is alleged to have assaulted the informant causing injury on head but then



there is only one injury on head of the informant on which learned Special P.P. submits that no doubt, Pradip Kumar Yadav and Nitish Kumar Yadav are alleged to have assaulted the informant on head causing injury but then specific allegation is alleged against Pradip Kumar Yadav that he assaulted by rod causing injury on head but then it is submitted that against Nitish Kumar Yadav the weapon by which he assaulted is not alleged on which learned counsel appearing on behalf of the appellants submits that it amply demonstrates that Nitish Kumar Yadav has been falsely implicated in the FIR. It is next submitted that allegation of abuse is general and omnibus in nature.

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 allegation of abuse is general and omnibus in nature and allegation of assault against the appellants no. 2, 4 and 5 is not specific but then it is submitted that specific allegation of assaulting the informant on head by rod is against Pradip Kumar Yadav and the injury on head has been opined to be grievous in nature.



6. After hearing the learned counsel for the parties, let the appellants no. 1, 2, 4 and 5, 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. The Court is not inclined to extend the privilege of anticipatory bail to the appellant no. 3, namely, Pradip Kumar Yadav in connection with the aforesaid case. Hence, his prayer for anticipatory bail is rejected.

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

(Satyavrat Verma, J)

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