

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4820 of 2024

Arising Out of PS. Case No.-89 Year-2021 Thana- SHERGHATI District- Gaya

Pappu Kumar @ Pappu Yadav Son of Nageshwar Yadav village- Kesapi, Ps-
Dobhi, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Paramjeet Kumar Paswan son of Late Mahendra Paswan village-
jagarnathpur, Ps- Gurua, dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajni Kant Jha, Avocate Mr. Prisu Snehil, Advocate Ms. Benazir, Advocate Mr. Aman Anand, Advocate
For the State	:	Mrs.Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
Date : 17-07-2026

Despite valid service of notice, there is no
representation on behalf of respondent no. 2.

02. Heard learned counsel for the appellant as well
as learned Spl.PP for the State

03. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter 'the SC/ST Act') against the
refusal of prayer for anticipatory bail vide order dated
24.09.2024 passed by the learned Exclusive Special Judge,
SC/ST, Gaya in A.B.P. No. 296 of 2024, arising out of Sherghati



(Dobhi) P.S. Case No. 89 of 2021, registered for the alleged offences under Sections 147, 149, 153, 302 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act.

04. As per the prosecution case, the appellant and other co-accused persons asking the name and caste name assaulted the brother of the informant with lathi, danda and iron rod and raised alarm of the brother of the informant being thief. The brother of the informant succumbed to his injuries.

05. The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. There is no material against the appellant and even the allegations in the FIR are general and omnibus and there is nothing specific against the appellant. The police investigated the matter and submitted final form on 31.03.2022 wherein the case has been found true against other co-accused persons and this appellant has not sent up for facing trial. However, the learned Special Court differed from the police report and took cognizance against the appellant as well. Learned counsel further submits that the whole prosecution story is not believable and no offence under the SC/ST Act is made out against the appellant. During investigation it has also come to the knowledge that the



appellant was not in the village on the alleged date and time of occurrence. The appellant is having clean antecedent.

06. Learned Spl. PP vehemently opposes the submission made on behalf of the appellant. Learned Spl. PP submits that the appellant is named in the FIR along with other co-accused persons in the assault and thereby causing death of the brother of the informant after asking his name and caste name.

07. Having regard to the submissions made on behalf of the parties and considering the favourable police report of the appellant and doubtful nature of allegation against the appellant and further considering the possibility of false implication ruling out any prima facie case under the SC/ST Act, let the appellant above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 89 of 2021, subject to the condition as laid down under Section 482(2) BNSS and other following conditions:



- (i) *One of the bailors will be a close relative of the appellant.*
- (ii) *The appellant will remain present on each and every date fixed by the court below, if so required by the learned trial court.*

08. Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.07.2026
Transmission Date	18.07.2026

