

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4172 of 2025

Arising Out of PS. Case No.-17 Year-2017 Thana- SC/ST District- Saharsa

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Brajesh Yadav @ Bablu Yadav @ Brajesh Kumar S/o Yogendra Yadav
Resident of vill- Baijnathpatti, P.S and Distt.- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Rajak S/o Bechan Rajak R/o vill - Baijnathpatti, P.S. and Distt.- Saharsa

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Siddharth Aditya
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 11-05-2026 1. Heard learned counsel for the appellant, learned Special P.P. for the State and the learned counsel appearing on behalf of the informant Mr. Chandra Mohan Jha.

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 02.09.2025 in A.B.P. No. 568/2025, in connection with Saharsa Sadar SC/ST P.S. Case No.17/2017, passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Saharsa registered under Sections 341, 323, 504, 448, 254, 506, 307, 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i) of



the SC/ST Act.

3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that on 09.04.2017 at 6.45 A.M., six named accused persons including the appellant came to his house and abused and assaulted causing injury to Dinesh above his left eye and also assaulted wife of his brother-in-law, it is next alleged that the reason for the occurrence was that informant constructed house over his government land, which was being objected by the side of the appellant.

4. Learned counsel appearing on behalf of the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the FIR does not even remotely suggest that informant or his family members were abused by taking caste name. It is also submitted that the FIR also does not disclose that the occurrence took place for the reason that informant belongs to a particular community. It is further submitted that appellant is a farmer and is an illiterate person. It is next submitted that during course of investigation the appellant was given notice under section 41(A) of the Cr.P.C. and the appellant cooperated with the police



during the course of investigation and the police never felt the need of arresting the appellant but then charge sheet came to be submitted, based on which, cognizance was taken. It is next submitted that even cognizance appears to be mechanical for the reason that prima facie from reading of the allegation as alleged in the FIR, no offence under the SC/ST Act is made out. It is reiterated and submitted that even the allegation of assault is not specific and the injury suffered by the injured has been opined to be simple in nature but then the learned counsel appearing on behalf of the appellant fairly submits that since cognizance has been taken hence a prima facie offence is said to be made out.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the informant opposes the appeal but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that in the nature of allegation as alleged in the FIR, prima facie no offence under the SC/ST Act is made out but then the learned counsel appearing on behalf of the informant submits that from perusal of the order impugned, it would manifest that summons were served on the appellant but then appellant chose not to appear before the learned trial court, on which, the learned counsel appearing on behalf of the appellant submits that no doubt the



order impugned records but then appellant was never served with any summons.

6. After hearing the learned counsel for the parties, the court was inclined to grant the privilege of anticipatory bail to the appellant but since cognizance has been taken as such the appeal is disposed of with a direction to the appellant to surrender before the learned trial court on 25.05.2026. It is made clear that if the appellant surrenders on 25.05.2026, in that event, the learned trial court shall consider and dispose of the case on the same day keeping in mind the fact that there is no allegation of abuse and allegation of assault is not specific and the police had given the benefit of section 41(A) of the Cr.P.C. and police during the course of investigation never felt the need of arresting the appellant.

7. Accordingly, the appeal stands disposed of.

(Satyavrat Verma, J)

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