

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4204 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- SIMRA District- Aurangabad

Akshay Yadav S/o Ramjanam Yadav R/o Village - Hajari, P.S - Simra, District
- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Kumar Rajak S/o Late Viku Rajak R/o Village - Hajari, P.S - Simra,
District - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Rahul Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 23-02-2026 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 18.09.2025 passed by the learned Court of District & Additional Sessions Judge-1st-Cum-Special Judge (SC/ST, NDPS & Children Act), Aurangabad, Bihar in connection with Simra P.S. Case No.42 of 2025 registered under Sections 126(2), 115(2), 352, 351(2) and 3(5) of BNS, 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. The case of the prosecution, in brief, is that the informant was returning from his field after doing his



agricultural work when in the way, the appellant along with accused persons made caste remarks against him. It is further alleged that the appellant along with accused persons threatened and attacked the informant by *lathi*, *danda* and *khanti* due to which informant sustained injuries.

4. Learned counsel for the appellant submits that appellant is a person with clean antecedent and has been falsely implicated in the present case. It is next submitted that appellant was not caught at the place of occurrence nor any incriminating material was recovered either from the possession or from the house of the appellant. It is further submitted that the allegations are general and omnibus in nature. It is also submitted that the occurrence has not been committed in public view, hence no offence under SC/ST act is made out.

5. Learned Special Public Prosecutor for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the appellant based upon the allegation made in the F.I.R.

6. From the reading of the allegation leveled in the FIR, it appears that there is a general and omnibus allegation against the accused persons including the appellant. No specific allegation has been alleged against the appellant of hurling



abuses on caste lines and also considering the fact that the genesis of the occurrence is a land dispute and there is no independent witness to the alleged occurrence, besides the fair antecedent of the appellant, let the appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing each of them bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of District & Additional Sessions Judge-1st-Cum-Special Judge (SC/ST, NDPS & Children Act), Aurangabad, Bihar in connection with Simra P.S. Case No.42 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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