

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4487 of 2025

Arising Out of PS. Case No.-32 Year-2025 Thana- SC/ST District- Saharsa

Heera Yadav Son of Premlal Yadav @ Parama Yadav Resident of Village -
Sisauna, Police Station - Mahishi, District - Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kamal Sada Son of Mangal Sada Resident of Village - Bihana, Ward No.-
10, P.S.- Mahishi, District - Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dhaneshwar Prasad Gupta, Advocate
For the Resp. No. 2	:	Mr. Suraj Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-04-2026 Heard Mr. Dhaneshwar Prasad Gupta, learned
counsel appearing for the appellant, Mr. Suraj Kumar, learned
counsel appearing on behalf of the Respondent No. 2 and Mr.
Binay Krishna, learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (hereinafter referred to as the “SC/ST Act”)
against the refusal of prayer for regular bail vide order dated
27.09.2025 passed by the learned Additional District & Sessions
Judge-I-cum-Special Judge SC/ST Act, Saharsa in connection
with Saharsa SC/ST Act P.S. Case No. 32 of 2025, F.I.R. dated
29.06.2025 registered under Sections 126(2), 115(2), 117(2),



109, 303(2), 352, 351(2), 3(5) of the B.N.S., 2023 and Sections 3(i)(r)(s)/3(2)(v) of the SC/ST Act.

3. Allegation against the appellant is that he has assaulted on the head of the informant by means of lathi due to which he sustained injury.

4. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. As per allegation in the F.I.R., the appellant has assaulted on the head of the informant by means of lathi but he has sustained injury on his hand and the hand of the informant was fractured. Learned counsel for the appellant submits that from perusal of the F.I.R. it appears that due to some petty dispute the present occurrence had taken place and there was no intention to kill anyone. Although the informant has received two injuries, one injury is simple in nature and another injury is on hand of the informant which is grievous in nature but the same is not on the vital part of the body of the informant. Learned counsel for the appellant further submits that the appellant has been granted provisional bail on 18.12.2025 till 06.01.2026 and the appellant has



surrendered before the learned court below and initially he was in custody since 19.07.2025.

5. Learned Special Public Prosecutor for the State as well as learned counsel appearing on behalf of the Informant have vehemently opposed the prayer for bail of the appellant and submits that the appellant carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the appellant is on bail in one case and the other case is pending for consideration before the competent court of law.

6. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I- cum Special Judge SC/ST Act, Saharsa in connection with Saharsa SC/ST Act P.S. Case No. 32 of 2025, with the following conditions :-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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