

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4582 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- SC/ST District- Aurangabad

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Sarjun Yadav @ Sarjun Kumar S/O Chandradev Yadav R/O Village- Haneya,
P.S- Kutumba, Distt.- Aurangabad (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Raushan Kuamr S/o Lalit Paswan R/o Village Haneya, P.S Kutumba, Distt.-
Aurangabad (Bihar).

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Aman Vishal, Advocate
For the State	:	Mrs. Usha Kumari 1, Special P.P.
For the Informant	:	Mr. Santosh Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-01-2026 Heard learned counsel for the appellant, learned Special

P.P. 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 30.10.2025,
passed by learned District & Additional Sessions Judge-1st-cum-
Special Judge (SC/ST, NDPS & Children Act), Aurangabad
(Bihar) in connection with Aurangabad SC/ST P.S. Case No.35 of
2025, registered under Sections 191(2), 190, 126(2), 115(2), 352,
351(2) and 74 of B.N.S., 2023 as well as Section 3(1)(r), 3(1)(s),
3(1)(w) and 3(2)(va) of SC/ST (POA) Act.



3. Learned counsel appearing on behalf of the appellant submits that appellant has antecedent of one case but then the said case was also instituted by the informant. It is next submitted that from perusal of para-3, it would manifest that the earlier FIR was instituted under sections of Indian Penal Code which were bailable in nature. It is next submitted that informant alleges that on 30.08.2025 at around 08:00 p.m., he along with his tractor driver Dhanesh Vishwakarma were going to the house of Dhanesh Vishwakarma when the accused persons including the appellant intercepted them and abused and assaulted them and threatened to refrain from driving tractor through that passage and further threatened to withdraw earlier case and also abused by taking caste name and when mother of the informant came, she was abused and assaulted.

4. Learned counsel for 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 allegations, as alleged in the FIR, it would manifest that allegation of abuse and assault is general and omnibus in nature. It is next submitted that date of occurrence is 30.08.2025 and the FIR came to be instituted on 02.09.2025, i.e., after a delay of two days without any plausible explanation. It is next submitted that a specific pleading has been made at para-11 that appellant is handicapped and is



unable to walk but still he came to be implicated.

5. The learned Special P.P. and learned counsel appearing on behalf of the informant oppose the appeal but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that allegation of assault and abuse is general and omnibus in nature and the FIR was instituted after a delay of two days.

6. Considering the submissions made by learned counsel for the appellant, let appellant, above named, in the event of his arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Aurangabad SC/ST P.S. Case No.35 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

Sanjay/-

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