

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5420 of 2024

Arising Out of PS. Case No.-297 Year-2024 Thana- LAURIA District- West Champaran

Bhim Yadav Son of Bhageshwar Yadav Village- Parari, Ps- Lauriya Dist-
West champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Mahto son of Late Vinod Dhangar Village- Parari, Dhangar Toli, Ps-
Lauriya Dist- West champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sarvesh Kashyap, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. PP
		Mr. Sajeev Kumar Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 13-01-2026 **1.** Heard learned counsel for the appellant; learned
Spl. P.P. for the State, Sri Sadanand Paswan 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 against the rejection of prayer for
anticipatory bail vide order dated 14.11.2024 passed by the
learned A.D.J. - 1st cum Special Judge, SC/ST (POA) Act,
Bettiah, West Champaran in A.B.P. No. 2259 of 2024 arising out
of Lauriya P.S. Case No. 297 of 2024 dated 01.09.2024
registered for the offences punishable under Sections 103(1)
read with Section 3(5) of the B.N.S. and under Section 3(2)(v)
of the SC/ST (POA) Act.



3. Learned counsel for the appellant submits that appellant has antecedent of five cases and the informant alleges that 31-8-2024, his father after having his dinner, was going to attend Janmastami pooja at 7:30 PM, when appellant, Sikandar along with five unknown accused intercepted him and started assaulting him and when 2-3 villagers came to save him, the accused persons also assaulted them, further the appellant assaulted his father by lathi causing injury all over his body, while Sikandar assaulted him by farsa causing injury on head, thereafter the villagers brought his father to hospital at Lauriya from where he was referred to GMCH Bettiah, where he died during the course of treatment.

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 appellant is not an eyewitness to the occurrence. It is further submitted that though it is alleged that 2-3 villagers came to save his father who were also assaulted by the accused persons, but the name of the villagers is also not disclosed in the FIR. It is also submitted that statement of the mother of the informant and wife of the deceased was recorded at para-18 of the case



diary, wherein she has stated that her husband on 31-8-2024, had gone to Baswari, where he was intercepted by five named accused persons who assaulted her husband causing injury leading to his death subsequently. It is next submitted that the wife of the deceased categorically stated that it were the accused persons namely, Asrafi Dangar, Dinesh Dangar, Ram Singh Danger, Aarti Devi and Naga Dangar who had assaulted her husband. It is thus submitted that when wife of the deceased had not taken the name of the appellant in the assault that amply demonstrates that informant for ulterior reasons implicated the appellant in the instant case despite being not an eyewitness to the occurrence nor disclosing in the FIR or in his subsequent statement that how he came to know that who assaulted his father. It is next submitted that Ram Babu Dangar had also instituted Lauria PS Case No. 296 of 2024 with respect to the same occurrence, but then in the said FIR it was not even remotely suggested that father of the informant was also assaulted. It is further submitted that the police after investigation came to a considered conclusion that appellant is innocent thus submitted final form exonerating the appellant of the allegation as alleged in the FIR and submitted final form No. 108 of 2025. It is next submitted that cognizance till date has



not been taken, on which the learned counsel appearing on behalf of the informant and the learned Spl. PP submits that since final form has been submitted and cognizance till date has not been taken hence appellant as of now does not have any apprehension of arrest, as such the appeal is fit to be dismissed.

5. At this stage, the learned counsel for the appellant seeks permission to withdraw the appeal with liberty to file afresh if need arises.

6. Permission is accorded.

7. Accordingly, the appeal is dismissed as withdrawn.

(Satyavrat Verma, J)

Sumit/-

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