

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4729 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- SC/ST District- Bhojpur

Santosh Yadav @ Santosh Kumar Yadav S/O Brija Yadav @ Biraja Yadav
R/O Village- Yadavpur (jadopur), P.S.- Tiyar, District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Sarvjit Kumar S/O Badri Paswan R/O Village- Kamariyaon, P.S.- Tiyar,
District- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Diwakar, Advocate

For the Respondent/s : Mr.Binay Krishna,Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2026 1. Heard learned counsel for the appellant and learned
Special P.P. for the State, Mr. Binay Krishna 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 03.07.2025 in A.B.P. No. 1705 of 2025 passed by
the learned 1st Additional Sessions Judge-cum-Special Judge
S.C./S.T. (POA) Act, Bhojpur in connection with SC/ST(K) P.S.
Case No. 09 of 2025 registered for the offences punishable
under Sections of the Indian Penal Code as well as Sections



126(2), 115(2), 109,324(4), 324(5), 352, 308(3) and 3(5) of the BNS Act and Sections 3(1)(r), 3(1)(s), 3(2)(v) of the Sc/ST Act.

3. Learned counsel for the appellant submits that in view of the grounds taken on limitation application, delay of 13 days in filing the appeal is condoned, as such, I.A. No. 01 of 2025 is allowed.

4. Learned counsel for the appellant submits that appellant is a person with clean antecedent and from perusal of the allegation as alleged in the FIR, it would manifest that appellant is alleged to have assaulted the younger brother of the informant namely, Dhiraj Pawan by butt of pistol causing injury on temple and chest.

5. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant, it is next submitted that though informant alleges that his brother was assaulted by the appellant by butt of pistol, but then the FIR has not been instituted under the Arms Act, it is further submitted that the order impugned records about the injury of Santosh, Sunil and Sarvjit, but then injury of Dhiraj is not discussed that amply demonstrates that Dhiraj was never assaulted by the appellant, but only to give seriousness to the case, a false allegation was alleged.



6. Learned Special P.P. for the State and learned counsel appearing on behalf of the informant opposes the appeal.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 03.07.2025 **is hereby set aside** and the appellant above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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/successor court in connection with SC/ST(K) P.S. Case No. 09 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

Nitesh/-

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