

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4759 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- Basmatia District- Araria

1. Kuldeep Yadav @ Subhash Kumar Nirala S/o Ranjay Yadav R/o Village - Basmatiya, P.S - Basmaatiya, District - Araria
2. Kumod Yadav @ Kumod Kumar Yadav S/o Ranjay Yadav R/o Village - Basmatiya, P.S - Basmaatiya, District - Araria
3. Ashish Yadav @ Ashish Kumar Yadav S/o Kuldeep Yadav R/o Village - Basmatiya, P.S - Basmaatiya, District - Araria
4. Alok Yadav @ Alok Kumar Yadav S/o Kuldeep Yadav R/o Village - Basmatiya, P.S - Basmaatiya, District - Araria
5. Hansraj Yadav @ Hansraj Kumar S/o Kumod Yadav R/o Village - Basmatiya, P.S - Basmaatiya, District - Araria
6. Shankar Yadav S/o Yogi Yadav R/o Village - Basmatiya, P.S - Basmaatiya, District - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Shiv Kumar Paswan S/o Ram Khelawan Paswan R/o Village - Koshikapur, Ward No. 11, P.S - Birpur, District - Supaul

... Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kishore Bharti
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-04-2026 1. Heard learned counsel for the appellants and
learned Spl. P.P. for the State, Ms. Usha Kumari No. 1.

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 4-11-2025 in A.B.P. No. 1868 of 2025 passed by the



learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Basmatiya P.S. Case No. 34 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 352, 351(2), 351(3) and 3(5) of the BNS as well as Sections 3(i)(r)3(i)(s) of the SC/ST Act.

3. Learned Spl. PP submits that in compliance of the order dated 23-2-2026 passed by a learned Co-ordinate Bench, the information was given to the Superintendent of Police, Araria with regard to the pendency of the instant appeal and to inform the informant so that he appears to contest the case on the date fixed. It is next submitted that the informant despite receiving notice chooses not to appear and contest.

4. Since the notice, as submitted by the learned Spl. PP, was brought to the notice of the Respondent No. 2, as such the notice is deemed to be validly served.

5. Learned counsel for the appellants submits that appellant no. 1 has antecedent of one case, appellant no. 2 has antecedent of two cases, but then was acquitted in one case and appellant nos. 3 to 6 are persons with clean antecedent and the informant alleges that on 17-6-2025 he along with his labour (Bhupendra Pawan) was going to market to purchase



construction materials and when they reached 100 metres east of Basmatiya petrol pump, they saw a group of persons standing with wooden stick and a boy was lying injured on the road, accordingly the informant and his labour tried to help the injured boy, when all the named accused persons started abusing by taking caste name, further on protest, accused persons assaulted the informant causing injury on head and appellant nos. 1 and 2 snatched Rs. 70,000/- from his pocket and when Bhupendra tried to rescue, the appellant no. 3 (Ashish) assaulted him causing injury on head.

6. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that from side of the appellants, Basmatiya P.S. Case No. 33 of 2025 has been instituted by the wife of appellant no. 2 against Bhupendra Paswan and others alleging that they assaulted Kumud, Subhash and Anjali. It is further submitted that from perusal of the Annexure-4 series to the appeal, it would manifest that the same is injury report of the injured from the side of the appellants for which Basmatiya P.S. Case No. 33 of 2025 was instituted. It is also submitted no doubt injuries are simple, but then the occurrence for which the instant FIR has been instituted had taken place on account of an



altercation in between the appellants and the informant and his side on the issue of selling of liquor by the informant. It is further submitted that allegation of abuse is general and omnibus in nature. It is next submitted no doubt appellant no. 3 is alleged to have assaulted Bhupendra, but then the said assault is not on account of the fact that Bhupendra belongs to SC category rather the side of the appellants were resisting the informant and his side from selling the liquor. It is next submitted that even injury suffered by the injured has been opined to be simple in nature and there is a delay of four days in instituting the instant FIR, which also casts an aspersion on the case of the prosecution. It is further submitted that this perhaps explains why the informant despite receiving notice chooses not to appear and contest the case.

7. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

8. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each 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 the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly, the impugned order is set aside and the appeal stands allowed with respect to the appellants.

(Satyavrat Verma, J)

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