

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4810 of 2025**

Arising Out of PS. Case No.-339 Year-2025 Thana- WARISLIGANJ District- Nawada

Golu Mistry @ Golu Kumar Son of Sanjay Mistry @ Sanjay Mistri Resident
Of Village- Chakvay, P.s. - Warisaliganj, District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinod Chaudhary Son of Late Rajendra Chaudhary Resident Of Village-
Chakvay, P.s. - Warisaliganj, District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Deepak Kumar, Adv.
For the State	:	Mrs. Usha Kumari 1, Spl. PP
For the Respondent No.2:	:	Ms. Swarnima, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-02-2026 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 and learned Spl. PP for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail by order dated 06.11.2025 passed by the learned Exclusive Special Judge SC/ST (PoA) Act, Nawada in connection with ABP No. 2661 of 2025 arising out of Warisaliganj P.S. Case No. 339 of 2025, registered for the alleged offences under Sections 126(2), 115(2), 109, 352, 351(2), 3(5) of the BNS and Sections 3(1)(r)(s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (POA) Act.

3. As per the prosecution case, the present appellant and other coaccused persons armed with iron rod and *khanti* came



to the doors of the informant and assaulted him. Specific allegation against the appellant is that he hit on the hand of the informant with iron rod causing serious injury.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. There is land dispute between the parties and the informant has levelled completely false allegation against the appellant and others. True fact of the case is that on 28.06.2025, the mother of the appellant has been constructing a furnace and the informant along with one Nitish Kumar and his son Golu Kumar came there and stopped her from constructing the furnace. When opposed, they misbehaved with her and when the appellant came to save his mother than the informant assaulted with iron rod on his head he became seriously injured. The entire occurrence was brought to the notice of police and Warisaliganj PS. Case No. 341 of 2025 was instituted for the offences punishable under Section 126(2), 115(2), 352, 351(2), 74, 75(1), 3(5) and 109 of the BNS. In order to save themselves from the case of the appellant side which is Warisaliganj PS. Case No. 341 of 2025, the present case has been lodged levelling false and frivolous allegations. The facts and circumstances of the case show that no allegation would stick to the appellant. However, the learned trial court did not consider the facts in proper perspective and did not take into consideration the



counter version of the appellant side. The appellant has no criminal antecedent. No injury as alleged against the appellant has been found as only injury is a lacerated wound of 2"x0.25"x0.25" over centre of the head and this falsifies and allegation against the appellant.

5. Learned Spl.PP as well as learned counsel for the respondent no. 2 oppose the submission made on behalf of the learned counsel for the appellant. Learned counsel for the respondent no. 2 submits that there is specific allegation against the appellant for causing injury on the hand of the informant with an iron rod.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the possibility of false accusation, let the appellant above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Exclusive Special Judge, SC/ST, Nawada/ court concerned in connection with Warisaliganj P.S. Case No. 339 of 2025, subject to the condition laid down under Section 482(2) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a



close relative of the appellant.

(ii) The appellant will remain present on each and every date fixed by the court below, if so required by the learned trial court.

7. Accordingly, the impugned order dated 06.11.2025 is set aside and the appeal stands allowed.

8. The learned trial court would provisionally accept the bail bond of the appellant and verify and criminal antecedent of the appellant and if any criminal antecedent of the appellant is found, provisional bail will not be confirmed.

(Arun Kumar Jha, J)

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