

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5035 of 2025

Arising Out of PS. Case No.-340 Year-2025 Thana- CHANDAUTI District- Gaya

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1. Mukesh Kumar @ Mukesh Yadav son of Mahendra Prasad @ Mahendra Yadav Resident of Village- English PS -Chandauti District -Gaya
 2. Kail Yadav @ Surendra Yadav @ keral yadav son of Late Kishori Yadav Resident of Village- English PS -Chandauti District -Gaya
 3. Birendra Yadav @ Lalit Yadav son of Late Deonarayan Yadav Resident of Village- English PS -Chandauti District -Gaya
 4. Dhuri Yadav @ Ram Chandra Yadav son of Late Dhaneshwar Yadav Resident of Village- English PS -Chandauti District -Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Satyendra Paswan Son of Late Ramchandra Paswan Resident of Village- English PS -Chandauti District -Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailesh Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl P.P.
For the Respondent No.2	:	Mr. Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL ORDER

4 17-07-2026 Heard learned counsel for the appellants, learned counsel for respondent No.2 and learned Special Public Prosecutor for the State.

2. The present Cr. Appeal (SJ) application has been filed seeking grant of bail and setting aside the order dated 19.11.2025 passed by the learned Court of Exclusive Special Judge, SC/ST, Gayaji in Anticipatory Bail Petition No. 293 of 2025 arising out of Chandauti P.S. Case No. 340 of 2025, for the offence punishable under sections 127(1), 115(2), 117(2),



303(2), 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and sections 3(i)(r)(s) of the Scheduled Castes & the Scheduled Tribes (Prevention Of Atrocities) Act, 1989.

3. As per the prosecution, on 04.09.2025 at about 7:00 PM, when the informant was in the house of his father-in-law in village Jamune, Lalit Yadav called him on mobile and asked him to come, but he refused. Thereafter, on 05.09.2025 at about 7:30 PM, when the informant was returning from his sasural, all accused persons arrived in Scorpio bearing Registration No. BR02PA8850, assaulted and abused him by caste-indicative words. Accused persons also snatched Rs. 3,000 and fled away. Informant was treated at J.P.N.M Hospital and thereafter referred to Magadh Medical for further treatment.

4. Learned counsel for the appellant submits that appellants are quite innocent and have committed no offence and the allegations leveled against them are false and fabricated. He further submits that alleged place of occurrence is not a public view. Hence no offence is made out under the SC & ST Act. He also submits that there is delay in lodging F.I.R which shows ill will. Learned counsel for the appellant lastly submits that there is allegation of assault but the same is not supported by any injury report.



5. Learned Special P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the appellants. Learned counsel for the State that there is specific allegation of assault against the appellants, therefore, they do not deserve bail.

6. Considering the aforesaid facts and circumstances of the case and the fact that there is general and omnibus allegation has been made against the appellant no. 1 Mukesh Kumar @ Mukesh Yadav, appellant no. 2 Kali Yadav @ Surendra Yadav @ Keral Yadav and appellant No. 4 Dhuri Yadav @ Ram Chandra Yadav, this Court is inclined to allow this appeal against appellant Nos. 1, 2 & 4. Accordingly, the appeal is allowed against appellant Nos. 1, 2 & 4 and order dated 19.11.2025 passed by learned Exclusive Special Judge SC/ST, Gayaji in connection with Chandaoti P.S. Case No. 340 of 2025, is hereby set aside.

7. Let the above named appellant no. 1 Mukesh Kumar @ Mukesh Yadav, appellant no. 2 Kali Yadav @ Surendra Yadav @ Keral Yadav and appellant No. 4 Dhuri Yadav @ Ram Chandra Yadav, in the event of their arrest/surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail



bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chandauti P.S. Case No. 340 of 2025, subject to the conditions as laid down under Section 482(2) of the Bhartiya Nagarika Suraksha Sanhita, 2023.

8. So far as Appellant No. 3 Birendra Yadav @ Lalit Yadav is concerned, taking into account the facts and circumstances of the case and specific allegation of assault against the appellant no. 3, this Court is not inclined to allow the appeal of Appellant No. 3 Birendra Yadav @ Lalit Yadav, hence rejected.

If the Appellant No. 3 surrenders before the learned Trial Court and makes a prayer for regular bail, the learned Court below, without being prejudiced with this order, may examine the same and pass appropriate order in accordance with law.

(Alok Kumar, J)

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