

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1414 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- PHULWARISHARIF District- Patna

1. Md. Afzal Son of Late Md. Najeem Mian Resident of Village- Gonepura, Phulwari Sharif, P.S. Janipur, District-Patna
2. Bebi Khatoon Wife of Md. Afzal Resident of Village- Gonepura, Phulwari Sharif, P.S. Janipur, District-Patna
3. md. Salman Son of Md. Afzal Resident of Village- Gonepura, Phulwari Sharif, P.S. Janipur, District-Patna
4. Isarat Khatoon @ Israt Wife of Md. Faiyaz Alam Resident of Village- Gonepura, Phulwari Sharif, P.S. Janipur, District-Patna
5. Saruk Alam @ Md. Saruk Son of Md. Afzal R/O Vill.- Gonepura, Phulwari Sharif, P.S.- Janipur, Dist.- Patna.
6. Naushad Alam Son of Najib Miya R/O Vill.- Gonepura, Phulwari Sharif, P.S.- Janipur, Dist.- Patna.
7. Sabina Praveen @ Sabina Khatoon Wife of Taj Mohammad R/O Vill.- Ganghara, P.S.- Shahpur, Dist.- Patna.
8. Taj Mohammad Son of Md. Muslim @ Afzal R/O Vill.- Ganghara, P.S.- Shahpur, Dist.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Godhan Kumar Son of Raj Kumar Chaudhary R/O Vill.- Gounpura, P.S.- Janipur, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sachina
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 4 07-10-2025 1. Heard learned counsel for the appellants, learned Special P.P. Ms. Usha Kumari No.1 and the learned counsel appearing on behalf of the respondent no.2.
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 21.02.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in Phulwari Sharif (Janipur) P.S. Case No.126/2024, registered under Sections 147, 149, 341, 323, 307 and 354 of the Indian Penal Code as well as Sections 3(1)(r)(s) (w) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that on 24.01.2024 at about 3.00 P.M. when his cousin brother was going for taking tuition when he was assaulted by Md. Saruk Alam but then on intervention of villagers, the issue subsided, thereafter at 7.00 P.M. on the same day, the accused persons came to the house of the informant and abused by taking caste name and also assaulted causing injury on head and when her Aunt came to save him, the accused also abused and assaulted her, on alarm, the villagers gathered, when the accused fled. It is next alleged that Md. Sahadat was involved in a bank dacoity in the year 2003 and one of his hand was blown when a bomb had exploded.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from side of appellants also Phulwari Sharif (Janipur) P.S. Case No.127/2024 dated



25.01.2024 has been instituted against the informant and his side. It is next submitted that though in the instant FIR, it has been alleged that cousin brother of the informant was assaulted by Saruk but then in the FIR instituted by the side of the appellants it has been alleged that the children were playing cricket match, on account of which, a dispute arose in between the cousin brother of the informant and other children, on account of which an altercation had taken place but then the same was settled and thereafter the side of the appellants were the aggressors. It is also submitted that even presuming what has been alleged is true without admitting in the instant FIR then the occurrence did not take place in public view nor the allegation of assault is specific nor the FIR even remotely suggest that the occurrence was witnessed or heard by any independent witnesses rather the entire occurrence is alleged to have taken place at the house of the informant, as such in the nature of allegation prima facie no offence under the SC/ST Act is made out. It is also submitted that even the injury suffered by the injured is simple in nature. It is next submitted that entire family members including the female members have been implicated.

5. Learned Special Public Prosecutor and the learned



counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellants but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that there is no specific allegation of assault is alleged against the appellants and Md. Sahadat is not an appellant in the instant anticipatory bail application and the occurrence did not take place in public view.

6. Considering the submission of the learned counsel for the appellants, the order impugned is set aside. Let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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