

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1608 of 2025

Arising Out of PS. Case No.-950 Year-2024 Thana- SIKARPUR District- West Champaran

Jhullan Shekh @ Shekh Iftekhhar, aged about 50 years. (M) S/o Late Manib Shekh @ Late Manif Sheikh R/o Village- Saidpur, Police station- Shikarpur, District- west Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Brijesh Paswan aged about 35 years. (M) S/o Rajendra Paswan R/o vill- Saidpur, P.S. - Shikarpur, Distt.- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sachida Nand Rai, Advocate
For the State	:	Ms.Usha Kumari 1, Spl PP
For the Respondent No.2	:	Mr. Dharendra Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellant, learned counsel for respondent no.2 and learned Special Public Prosecutor for the State.

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 bail vide order dated 26-03-2025 passed by the learned Additional Sessions Judge-1st -cum Special Judge (SC & ST) Bettiah, District West Champaran , in connection with Shikarpur P.S. Case No. 950 of 2024 registered for the offences punishable under Sections



126(2), 115(2), 110, 352, 351(2), 303(2), 76 and 3(5) of the BNS read with sections 3(i)(r)(s) of the SC/ST (POA) Act.

3. The case of the prosecution, in brief, is that on 14/12/24 at about 8:00 AM, petitioner along with other accused persons threw garbage at door of the informant. When he objected, all started abusing him. It is further alleged that petitioner made a fatal attack on his head with an iron rod, due to which he got a head injury and blood was oozing out. When his mother, Sushila Devi and wife, Maina Devi, came to console him, they pulled them by their hair and assaulted them, while dragging them on the ground, it is alleged that co accused Ramyu Nesha snatched the gold *Mangalsutra* from her neck. Neighbours intervened and save him as the accused threatened to kill him.

4. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in this case. There is no specific allegation of any overt act against the appellant either of abusing or humiliating the informant in the name of caste; rather, the alleged dispute arose merely on the issue of throwing garbage at the door of the informant, which is totally false and concocted. The FIR has been lodged after a delay of seven days from the date of occurrence, without any



plausible explanation for such delay. So far as the allegation of assault on the informant by the appellant with an iron rod on his head is concerned, the doctor who examined the informant, found the injury to be simple in nature. It is further submitted that there has been a long-standing dispute between the parties since 2015 and even the informant's sister has also filed a case against the appellant. Lastly, it is submitted that appellant has one criminal case pending against him.

5. Learned Special Public Prosecutor for the State as well as learned counsel for respondent no. 2, vehemently opposed the prayer of the appellant. It is submitted that there is a direct allegation against the appellant of assaulting the informant and causing injury on his head. The injury report also corroborates the allegation made against the appellant.

6. Having considered the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st -cum Special Judge (SC & ST) Bettiah, District West Champaran, in connection with Shikarpur P.S.



Case No. 950 of 2024, subject to the condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and further (i) that the appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the appellant will appear before the SHO of concerned PS in the first week of each month till the framing of charge in this case.

7. The impugned order dated 26-03-2025 passed in connection with Shikarpur P.S. Case No. 950 of 2024 by the learned Additional Sessions Judge-1st -cum Special Judge (SC & ST) Bettiah, District West Champaran, is hereby set aside.



8. The appeal stands allowed.

(Khatim Reza, J)

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