

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2107 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- PARBATTa District- Bhagalpur

Shankar Sharma Son of Chhavi Lal Sharma @ Chabhi Lal Sharma @
Chavilal Tatma Resident of Village - Japteli, P.S.- Parbatta, District -
Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Paswan Son of Sekhi Paswan @ Sekho Paswan R/o Village -
Japteli, P.S.- Parbatta, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Jha, Advocate Mr. Ankit Raj, Advocate
For the State	:	Mrs. Usha Kumari 1, Special P.P.
For the Informant	:	Mr. Satyendra Kumar Bhatnagar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-12-2025 Heard learned counsel for the appellant, Mrs. Usha
Kumari-1, learned Special P.P. for the State and learned counsel
appearing on behalf of the informant.

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 01.05.2025, passed by learned District & Additional
Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in
connection with Parbatta P.S. Case No.04 of 2025, registered
under Sections 126(2), 115(2), 109, 352, 351(2), 351(3) and 3(5)



of B.N.S., 2023, Sections 25(1-B)(i), 26 and 27 of Arms Act as well as Sections 3(1)(r),(s), 3(2)(va) of SC/ST (POA) Act.

3. Learned counsel appearing on behalf of the appellant submits that appellant has antecedents of two cases under the Excise Act. It is next submitted that informant alleges that on hearing sound of firing, he came out of the house and saw the appellant standing at the door of Panki Devi and was abusing, thus, the informant asked Panki Devi why she has called the appellant and whom he is abusing, on which, Panki Devi disclosed that she has called the appellant for killing him. Thereafter appellant assaulted him by butt of pistol causing injury on head and nose. Further, the informant snatched his gun and called the police.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that the allegation, as alleged in the FIR, does not inspire confidence. It is further submitted that in the nature of allegation, as alleged in the FIR, *prima facie*, no offence under the SC/ST Act is made out for the reason that informant alleges that on hearing sound of firing, he came out of the house and saw the appellant abusing, as such, he asked Panki Devi why she has called him and whom he is abusing,



which amply demonstrates that appellant was not abusing the informant or else informant would not have asked Panki Devi whom the appellant is abusing. It is further submitted that though it is alleged that appellant assaulted him by butt of a pistol causing injury on head and nose but then there is no injury on head and nose and rather informant has injury on thumb which is non-vital part of the body. It is also submitted that it does not appear probable that Panki Devi would have said to the informant that she has called the appellant to kill him in presence of neighbours.

5. The learned Special P.P. and the learned counsel appearing on behalf of the informant oppose the appeal.

6. Considering the submissions made by learned counsel for the appellant, let appellant, above named, in the event of his arrest or surrender before the learned Trial Court 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 Trial Court where the case is pending in connection with Parbatta P.S. Case No.04 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.



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

(Satyavrat Verma, J)

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