

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2299 of 2025

Arising Out of PS. Case No.-317 Year-2024 Thana- BAIRIYA District- West Champaran

1. Shamshad Khan @ Shamshad Alam @ Samsad Khan S/o Kibhu Khan @ Kimu Khan @ Akimuddin Khan R/o Village-Pakhnaha ward no 04 Police, station-Bairiya, District-West Champaran
2. Aftab Khan @ Aaftab Alam @ Aftab Alam S/o Jabeer Khan @ Javeer Ahmad Khan R/o Village-Pakhnaha ward no 04 Police, station-Bairiya, District-West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Jhalahi Devi W/o Shri Satan Ram R/o Village-Pakhnaha ward no 01 Police, station-Bairiya, District-West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Brij Kishor Mishra, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the Informant	:	Mr. Umesh Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-08-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 05.05.2025 passed by learned District & Additional Sessions Judge 1st -cum-Special Judge, SC/ST, Bettiah, West Champaran in ABP No. 811 of 2025 in connection with Bairiya P.S. Case No. 317 of 2024, registered under Sections 126, 115(2), 118, 109, 74, 352, 3(5) of the Bharatiya Nyaya Sanhita and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. As per prosecution case, on 20.09.2024 at 8 PM, when informant had gone to fetch water from the hand pump, in the meantime, these appellants teased and abused her by caste name. It is alleged that when husband of the informant along with his son went to the house of accused persons to make complaint, all the F.I.R. named accused persons assaulted husband and son of the informant with *farsa* and rod.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He next submits that both parties are co-villagers and due to petty dispute quarrel took place between them. Case and counter case. Allegation of assault is general and omnibus. Injuries allegedly caused by the appellants are simple in nature. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the nature of accusation, simple injuries and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks



from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of District & Additional Sessions Judge 1st -cum-Special Judge, SC/ST, Bettiah, West Champaran in ABP No. 811 of 2025 in connection with Bairiya P.S. Case No. 317 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 05.05.2025 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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