

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3669 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- JOGBANI District- Araria

Md Parvej @ Md Parwej Ansari Son of Kuddus Ansari R/V- Village-
Hajijganj, Haripur, P.S.- Jogbani, Distt.- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalita Devi Wife of Shankar Paswan R/V- Village- Lohiya Tola, Jogbani
Ward NO. 14, P.S.- Jogbani, Distt.- Araria

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3232 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- JOGBANI District- Araria

1. Fuchhe @ Ibrahim Ansari Son of Ahmad @ Md. Ahmad Ansari R/O-
Village- Hajiganj, Ward No. 19, P.S.- Jogbani, distt.- Araria
2. Md. Irshd @ Md. Irshad Ansari Son of Md. Ayuib Ansari @ Md. Aijub R/O-
Village- Hajiganj, Ward No. 19, P.S.- Jogbani, distt.- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalita Devi Wife of Shankar Paswan R/O- Village- Lohiya Tola, Jogbani,
Ward No. 14, P.S.- Jogbani, Distt.- Araria

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3669 of 2024)

For the Appellant/s : Mr. Gopal Kumar Jha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

(In CRIMINAL APPEAL (SJ) No. 3232 of 2024)

For the Appellant/s : Mr. Gopal Kumar Jha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

4 07-11-2025

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Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State.



2. This appeal has been preferred against the order dated 18.07.2024 passed by the learned 1st Additional Sessions Judge-Cum-Special Judge, Araria in connection with Jogbani P.S. Case No. 94 of 2024, registered for the offences under Sections 341, 323, 324, 307, 379, 504, 506, 279 and 34 of the Indian Penal Code and Sections 3(1)(r) and 3(1)(S) of the S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, the allegation against the appellant is of assaulting the victim.

4. Learned counsel for the appellant submits that the allegations made in the F.I.R. are general and omnibus in nature, and the appellant has been falsely implicated in this case. It is further submitted that no external injury has been found on the victim, which indicates that the F.I.R. has been falsely lodged. It is also submitted that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellant. Hence, the application for anticipatory bail is maintainable. He further relies upon the judgments of the Hon'ble Supreme Court in the cases of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.***, reported in ***2025 INSC 1067***, and ***Hitesh Verma Vs. State of Uttarakhand***, reported in ***(2020) 10 SCC 710***.



5. Learned counsel for the informant has opposed the prayer for bail.

6. From a perusal of the FIR, it does not appear that the alleged offence was committed against the informant on the ground that she belongs to the S.C./S.T. community.

7. In these circumstances, and considering the law laid down by the Hon'ble Supreme Court in *Kiran Vs. Rajkumar Jivraj Jain and Anr. (supra)* and *Hitesh Verma Vs. State of Uttarakhand (supra)*, this application for anticipatory bail is held to be maintainable.

8. Considering the rival submissions of the parties, this appeal is allowed, and accordingly, the order dated 18.07.2024 passed by the learned 1st Additional Sessions Judge-Cum-Special Judge, Araria in connection with Jogbani P.S. Case No. 94 of 2024 is set aside.

9. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Araria/ concerned Court below in connection with Jogbani P.S. Case No. 94 of 2024, subject to the conditions laid down under



Section 438(2) of the Code of Criminal/ Section 482(2) of the B.N.S.S.

CR. APP (SJ) No. 3232 of 2024

10. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

11. This appeal has been preferred against the order dated 24.06.2024 passed by the learned 1st Additional Sessions Judge-Cum-Special Judge, Araria in connection with Jogbani P.S. Case No. 94 of 2024, registered for the offences under Sections 341, 323, 324, 307, 379, 504, 506, 279 and 34 of the Indian Penal Code and Sections 3(1)(r) and 3(1)(S) of the S.C./S.T. (Prevention of Atrocities) Act.

12. As per the prosecution case, the allegation against the appellants is of assaulting the victim.

13. Learned counsel for the appellants submits that the allegations made in the F.I.R. are general and omnibus in nature, and the appellants have been falsely implicated in this case. It is further submitted that no external injury has been found on the victim, which indicates that the F.I.R. has been falsely lodged. It is also submitted that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellant. Hence, the application for



anticipatory bail is maintainable. He further relies upon the judgments of the Hon'ble Supreme Court in the cases of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.***, reported in ***2025 INSC 1067***, and ***Hitesh Verma Vs. State of Uttarakhand***, reported in ***(2020) 10 SCC 710***.

14. Learned counsel for the informant has opposed the prayer for bail.

15. From a perusal of the FIR, it does not appear that the alleged offence was committed against the informant on the ground that she belongs to the S.C./S.T. community.

16. In these circumstances, and considering the law laid down by the Hon'ble Supreme Court in ***Kiran Vs. Rajkumar Jivraj Jain and Anr. (supra)*** and ***Hitesh Verma Vs. State of Uttarakhand (supra)***, this application for anticipatory bail is held to be maintainable.

17. Considering the rival submissions of the parties, this appeal is allowed, and accordingly, the order dated 24.06.2024 passed by the learned 1st Additional Sessions Judge-Cum-Special Judge, Araria in connection with Jogbani P.S. Case No. 94 of 2024 is set aside.

18. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on



furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Araria/ concerned Court below in connection with Jogbani P.S. Case No. 94 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal/ Section 482(2) of the B.N.S.S.

(Sandeep Kumar, J)

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