

Arising Out of PS. Case No.-132 Year-2025 Thana- KESARIA District- East Champaran

- Appellant/s

Versus

- Respondent/s

For the Appellant/s : Mr. Karandeep Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.
Mr. Abhishek Kumar, Advocate
Mr. Hemant Ray, Advocate

2 01-09-2025 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the respondent no. 2.

2. Learned counsel for the appellants, after arguing vehemently for some time realizing his difficulty, seeks permission to withdraw the appeal with respect to appellant no. 1, namely, Sukhal Sah @ Balendra Sah @ Balendra Kumar Gupta.

3. Permission is accorded.

4. Accordingly, the appeal with respect to appellant



no. 1 is dismissed as withdrawn.

5. 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 26.06.2025 in A.B.P. No. 2564 of 2025 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, East Champaran at Motihari in connection with Kesariya P.S. Case No. 132 of 2025 registered under Sections 126(2), 115(2), 118(1), 109, 352, 351 and 5(5) of the BNS as well as Sections 3(i)(r)(s) of the SC/ST Act.

6. Learned counsel for the appellant no. 2 submits that appellant no. 2 is a person with clean antecedent and is a woman and from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of assaulting the informant by sword causing injury on neck is alleged against Sukhal Sah and the appellant no. 2 is alleged to have held the hand of the informant. It is further submitted that it does not appear probable that a woman could have held the hand of the informant based on which Sukhal Sah would have committed the occurrence. It is next submitted that since the appellant no. 2 is wife of Sukhal Sah, as such, she has been implicated. It is also



submitted that on account of dispute relating to tuition fee, the occurrence is alleged to have taken place in the house of the appellant no. 2, as such, was not in public view.

7. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the respondent no. 2 opposed the prayer for anticipatory bail of the appellant no. 2.

8. Considering the aforesaid submission, let the appellant no. 2, above named, in the event of her 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 bonds 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 the aforesaid case, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. Accordingly, the impugned order is set aside with respect to appellant no. 2 and this appeal stands allowed.

(Satyavrat Verma, J)

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