

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4092 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- UDAKISHUNGANJ District- Madhepura

1. Shahida Khatoon W/o Late Dr. Jasimuddin @ Late Md. Jasimuddin Resident of Village- Simri Bhaktiyarpur, Ward No- 16, PS- Simri Bhaktiyarpur, District- Saharsa
2. Bibi Ismat Perveen @ Ismat Perveen W/o Md. Abul Qasim Resident of Village- Simri Bhaktiyarpur, Ward No- 16, PS- Simri Bhaktiyarpur, District- Saharsa
3. Bibi Taiyaba Ansari @ Taiyaba Ansaria W/o Md. Abul Qasim Resident of Village- Simri Bhaktiyarpur, Ward No- 16, PS- Simri Bhaktiyarpur, District- Saharsa
4. Bibi Raqueeba Ansari @ Raqueeba Khatoon @ Raqueeba Ansaria W/o Md. Abul Qasim Resident of Village- Simri Bhaktiyarpur, Ward No- 16, PS- Simri Bhaktiyarpur, District- Saharsa
5. Md. Mahsood Alam @ Md. Masood S/o Late Md. Jasimuddin Resident of Village- Simri Bhaktiyarpur, Ward No- 16, PS- Simri Bhaktiyarpur, District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Khagesh Kumar Son of Shubhakilal Paswan P.S.- Udakishanganj, Dist- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md. Shah Nawaz Ali, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.
For the Informant	:	Mr. Kumar Prabhakar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. This appeal has been preferred against the orders dated 23.07.2024 and 30.07.2024, passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge,



S.C./S.T. (P.O.A.) Act, Madhepura, in connection with A.B.P. No. 1018 of 2024, arising out of Uda Kishun Ganj P.S. Case No. 03 of 2024, registered for the offences under Sections 420 and 34 of the Indian Penal Code and Sections 3(i)(r) & (s) of the S.C./S.T. (Prevention of Atrocities) Act, by which the prayer for anticipatory bail of the appellants was rejected.

3. As per the prosecution case, some accused persons had taken money from the informant for the purchase of land and because of that dispute, the present false case has been filed. The money is being claimed from one Kasim, who is a co-accused. The appellants are the family members of the said Kasim.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in this case and that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against them. Hence, the application for anticipatory bail is maintainable.

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

6. From a perusal of the F.I.R., it appears to be a malafide prosecution and it does not appear that the alleged occurrence was committed against the informant on the ground



that he belongs to the S.C./S.T. community.

7. Considering the rival submissions of the parties and upon perusal of the record, this appeal is allowed, and accordingly, the orders dated 23.07.2024 and 30.07.2024 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, S.C./S.T. (P.O.A.) Act, Madhepura, in connection with A.B.P. No. 1018 of 2024 arising out of Uda Kishun Ganj P.S. Case No. 03 of 2024, are set aside.

8. 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 District and Sessions Judge-cum-Special Judge, S.C./S.T. (P.O.A.) Act, Madhepura / concerned Court below, in connection with Uda Kishun Ganj P.S. Case No. 03 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.).

(Sandeep Kumar, J)

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