

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3382 of 2025

Arising Out of PS. Case No.-335 Year-2020 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Md. Shamim @ Md. Shamim Uddin S/o Late Md. Hashim @ Jattar @ Md. Jattar R/o Village- Nasrat Chakla, Tariyama, PS- Bakhtiyarpur, Distt- Saharsa
 2. Md. Danish @ Abu Danish Ghani S/o Md. Shamim R/o Village- Nasrat Chakla, Tariyama, PS- Bakhtiyarpur, Distt- Saharsa
 3. Md. Tipu @ Md. Abul Qasim S/o Md. Shamim R/o Village- Nasrat Chakla, Tariyama, PS- Bakhtiyarpur, Distt- Saharsa
 4. Md. Nazim @ Md. Abu Nazim S/o Md. Shamim R/o Village- Nasrat Chakla, Tariyama, PS- Bakhtiyarpur, Distt- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Radhika Devi W/o Ram Sada R/o Village- Nasrat Chakla, Tariyama, ward no. 12, PS- Bakhtiyarpur, Distt- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S.M. Ashraf, Sr. Advocate Mr. Rana Hason, Advocate Mr. Homa Yunus, Advocate
For the Respondent/s	:	Mr. S. Ashraf, Advocate Mr. Binay Krishna, Spl. PP Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 25-11-2025 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

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 31.07.2025 in A.B.P. No. 600 of 2025 passed by the



learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Saharsa in connection with Bakhtiyarpur P.S. Case No. 335 of 2020 registered for the offences punishable under Sections 341, 323, 325, 307, 354B, 379, 504 and 506/34 of the Indian Penal Code as well as Sections 3 (i) (u) (r) (s) of the SC/ST Act.

3. The case of the prosecution is that while the respondent was returning to her house carrying grass, as she reached near Tower, it is alleged that all the appellants being armed with '*iron rod*', '*lathi*' and '*danda*' surrounded the respondent abused her by taking caste name and told her to put the grass there. It is further alleged that the appellants started abusing and assaulting with fists and slaps. The respondent stated that she had brought the grass for her cattles and would not hand it over. Thereafter, the appellants allegedly tied her hands and legs continued assaulted her and again abused with caste name. It is further alleged that when her husband came to rescue, he was also assaulted by the appellants due to which his hand was fractured. It is further that the appellants also took away Rs. 2000/- from the pocket of the respondent's husband.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case. It is



further submitted that the occurrence took place on 04.09.2020 whereas the FIR was lodged on 08.10.2020 and thus there is delay of more than one month in lodging the case.

5. Learned counsel for the respondent submits that cognizance has already been taken in this case and as therefore, the present appeal is not maintainable in view of section 18 of the SC/ST Act. He has relied upon the judgment of the Hon'ble Supreme Court in the case of **Bachu Das Vs. The State of Bihar** reported in (2014) 3 SCC 471.

6. In reply, learned counsel for the appellants submits that he has carefully gone through the judgment and from its perusal, it is clear that the principle laid down therein is applicable only in complaint cases, whereas the present matter is based on FIR. It is further submitted that there is an inordinate delay in lodging of the FIR giving rise to every possibility of afterthought and doctored. It is further contented that the nature of allegation is general and omnibus.

7. Learned Spl. P.P. for the State opposes the appeal.

8. In view of the submissions made by the learned counsel for the appellant, the order dated 31.07.2025 in A.B.P. No. 600 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Saharsa in connection



with Bakhtiyarpur P.S. Case No. 335 of 2020 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bakhtiyarpur P.S. Case No. 335 of 2020, subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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