

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3484 of 2025

Arising Out of PS. Case No.-209 Year-2025 Thana- KATEYA District- Gopalganj

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1. Azamatullah Khatoon @ Azamatun Khatoon @ Azamutullal Khatoon @ Azamutulla Khatoon W/o- Shabu Ansari @ Savibula Ansari Village- Mujaha PS- Kateya District- Gopalganj
 2. Raja Hussain @ Tigar S/o- Shabu Ansari @ Savibula Ansari Village- Mujaha Ps- Kateya Dist- Gopalganj
 3. Salman Ansari @ Shalman Ansari S/o- Shabu Ansari @ Savibula Ansari Village- Mujaha Ps- Kateya Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Kumar S/o- Sanu Gond Village- Mujaha Ps- Kateya Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Lokesh Kumar Singh, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant/s	:	Mr. Sanjay Kumar Chaubey, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 09-10-2025 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor 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 in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 25.07.2025 passed by the learned District and Additional Sessions Judge-IX-cum-Exclusive Special Judge, SC/ST Act,



Gopalganj in connection with Kateya P.S. Case No. 209 of 2025 dated 19.04.2025 registered for the offence/s punishable u/s 191(2), 191(3), 190, 126(2), 118(1), 115(2), 103(1), 109 of the B.N.S. and Sections 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, On 18.04.2025, the scuffle took place for speeding of tractor between Vikash Yadav and the appellant no. 2 (Raja Hussain @ Tigar) and due to which the co-accused (Rafiq Ansari) assaulted Vikas Yadav with his leg and both of them started shouting and abusing each other but that matter got settled. Further, when the informant, his brother and Vikash Yadav were returning from Vagu Patel's Celebration, then the appellants and the co-accused persons armed with deadly weapons came and started assaulting them. The co-accused Rafique Ansari and the appellant no.3 (Salman Ansari) caught hold of the informant and his brother, thereafter, the co-accused Sambhu Ansari assaulted them with Bhala and the appellant no.2 (Raja Hussain @ Tigar), the co-accused Hameed Ansari and Imtiyaz Ansari assaulted them with knife and the appellant no.3 (Azamullah Khatoon) and the other co-accused persons namely, Rahmat Ansari, Noor Jahan Khatoon, Nuraida Khatoon, Sahabu Ansari assaulted them with lathi,



danda and other sharp weapons and they abused by taking caste related words. It is further alleged that 20 unknown people were also involved in this occurrence. The informant is getting his treatment in a private hospital.

4. Learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated in this case due to ulterior motive. The name of the appellants has sprung up in this case on mere suspicion. There is no specific allegation against the appellants rather the allegations against the appellants are general and omnibus in nature. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. It is further submitted that there is no eye witness to the alleged occurrence. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellants are in custody in this case since 21.04.2025.

5. Learned Spl.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail and submitted that the brother of the informant has died on the spot due to serious injuries. As per the post-mortem report of the deceased, the cause of death is due to haemorrhage and shock due to injury caused by sharp cutting substance. The



witnesses, at para 11, 12, 13, 14 and 15 of the case diary, have stated that the appellant no.2 (Raja Hussain @ Tigar) and other co-accused persons have assaulted with knife on the informant's brother (Sikandar God) due to which he died on the spot.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant no.1 (Azamatullah Khatoon @ Azamatun Khatoon @ Azamutullal Khatoon @ Azamutulla Khatoon) and appellant no. 3 (Salman Ansari @ Shalman Ansari), the impugned order dated 25.07.2025 passed by the learned District and Additional Sessions Judge-IX-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with Kateya P.S. Case No. 209 of 2025 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellant no.1 (Azamatullah Khatoon @ Azamatun Khatoon @ Azamutullal Khatoon @ Azamutulla Khatoon) and appellant no. 3 (Salman Ansari @ Shalman Ansari) are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-IX-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection



with Kateya P.S. Case No. 209 of 2025.

8. So far as, the appellant no.2, namely, Raja Hussain @ Tigar is concerned, considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the appellant no.2, I am not inclined to set aside the impugned order dated 25.07.2025 passed by the learned District and Additional Sessions Judge-IX-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with Kateya P.S. Case No. 209 of 2025 and accordingly, the prayer for bail of the appellant no.2 (Raja Hussain @ Tigar) is rejected.

9. Accordingly, the application with regard to the appellant no.2 (Raja Hussain @ Tigar) stands rejected and the learned trial court is directed to expedite the trial of the appellant no.2 and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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