

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5397 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- SC/ST District- Madhubani

Nagma Khatoon W/O Md. Sohail Sah @ Sohailsah R/O Village- Dargah Chawk, Ward No. 14, P.S- Madhubani Town, Distt.- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sheela Devi W/O Laxman Mahto R/O Village- Bhaura Dargah Chowk, Ward No. 36, P.S- Madhubani Town, Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagandeo Yadav, Advocate Mr. Udeshya Kumar Yadav, Advocate Mr. Vinod Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Sanjay Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 10-11-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. This appeal has been preferred against the order dated 25.10.2024 passed by the learned Additional Sessions Judge-1st-Cum-Special Judge, Madhubani in connection with Town P.S. Case No. 23 of 2024, registered for the offences under Sections 341, 323, 307, 324, 354(B), 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r), 3(i)(s) and 3(2)(va) of the S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, the allegation against



the appellant and other co-accused persons is that they abused the prosecution side.

4. Learned counsel for the appellant submits that the appellant is a woman, and the allegations made in the F.I.R. are general and omnibus in nature. It is contended that the appellant has been falsely implicated in this case. It is further 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 general and omnibus allegation and the trivial nature of dispute, this appeal is allowed, and accordingly, the order dated 25.10.2024 passed by the learned Additional Sessions Judge-1st-Cum-Special Judge, Madhubani in connection with Town P.S. Case No. 23 of 2024 is set aside.

9. Let the appellant, in the event of her 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 Additional Sessions Judge-1st-Cum-Special Judge, Madhubani/ concerned Court below in connection with Madhubani Town P.S. Case No. 23 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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