

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.175 of 2025

Arising Out of PS. Case No.-101 Year-2024 Thana- KESARIA District- East Champaran

1. Mamtaz Khan @ Mumtaz Khan Son of Lal Khan Resident of Village - Lala Chapra, Police Station - Kesariya, District - East Champaran
2. Azad Khan Son of Mumtaz Khan Resident of Village - Lala Chapra, Police Station - Kesariya, District - East Champaran
3. Bachu Khan @ Bacha Khan Son of Asin Khan @ Yasin Khan Resident of Village - Lala Chapra, Police Station - Kesariya, District - East Champaran
4. Neyaz Khan @ Md. Neyaz Khan Son of Bachu Khan @ Bacha Khan Resident of Village - Lala Chapra, Police Station - Kesariya, District - East Champaran
5. Seeraj Khan @ Sheraj Khan Son of Bachu Khan @ Bacha Khan Resident of Village - Lala Chapra, Police Station - Kesariya, District - East Champaran
6. Laddu Khan @ Arbaz Khan Son of Sanaullah Khan Resident of Village - Lala Chapra, Police Station - Kesariya, District - East Champaran
7. Nejam Khan @ Naj Khan Son of Akhar Khan Resident of Village - Lala Chapra, Police Station - Kesariya, District - East Champaran
8. Ekaram Kha @ Ekram Khan Son of Asin Khan @ Yasin Khan Resident of Village - Lala Chapra, Police Station - Kesariya, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sabita Devi Wife of Devendra Das Resident of Village - Lala Chapra, Police Station - Kesariya, District - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Waliur Rahman
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 28-04-2026 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant.
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 29.10.2024 in A.B.P. No.4328/2024, passed by the learned Special Judge S.C./S.T. (POA) Act, East Chmaparan at Motihari in connection with Kesariya P.S. Case No.101/2024. registered for the offences punishable under Sections 147, 148, 341, 323, 380, 452, 354(B) of the Indian Penal Code as well as Sections 3(1)(S), 3(1)(W), 3(1)(1), 3(1)(d), 3(1)(e), 3(1)(r) of the Act.

3. Learned counsel for the appellants submits that appellant no.1, 3 and 8 have antecedent of two cases, appellant no.4, 5, 6 and 7 have antecedent of one case and appellant no.2 is a person with clean antecedent and the informant alleges that accused persons including the appellants on 13.04.2022 at 8 P.M. came to her house and abused by taking caste name, further on instigation of Mumtaz, accused Neyaz assaulted her with lathi having knife, causing pain in the stomach, thereafter Tara Khan assaulted by rod causing injury on hand and fingers, further all accused assaulted her inside the house and Suvitra snatched her mangal-sutra while Azad took away Rs.16,000/-, further on orders of Mumtaz, accused Naaz khan and Seeraj dragged her outside the house and disrobed her, thereafter



Ekram and Laddu assaulted her by chappal and Mumtaz spat on her face and also acted inappropriately with Lalsa Devi and assaulted her by lathi, next alleges that reason for the occurrence is that Mumtaz and Laddu had assaulted her son on the pretext that he crossed their house on cycle, hence informant had gone to complain when present occurrence took place.

4. Learned counsel for the appellants submits that informant despite receiving notice chooses not to appear and contest. It is further submitted that appellants and informant are neighbour. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not inspire confidence for the reason that it does not appear probable that informant with such precision and certainty could have alleged who assaulted whom, where and by what and who dragged whom. It is also submitted that allegation of abuse and assault is general and omnibus in nature, except against Neyaz and Tara Khan but then Tara Khan is not an appellant in the instant case. It is further submitted that even presuming what has been alleged is true without admitting then the occurrence is alleged to have taken place at the house of the informant, hence was not in public view. It is also submitted that this perhaps explains why informant despite receiving notice chooses not to



appear and contest.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

6. Considering the aforesaid facts, the appeal is allowed partly with respect to appellants.

7. The order impugned is set aside partly with respect to appellant no.1, 2, 3, 5, 6,7 and 8, accordingly, the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. The Court is not inclined to extend the privilege of anticipatory bail to appellant no.4.

9. The anticipatory bail application of appellant no.4, namely, Neyaz Khan @ Md. Neyaz Khan is rejected.

10. The appeal stands partly allowed.

(Satyavrat Verma, J)

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