

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.147 of 2026

Arising Out of PS. Case No.-47 Year-2020 Thana- GAYA MUFASIL District- Gaya

1. Md. Shamshu @ Md. Shamsuddini @ Md. Shamsuddin Son of Late Jabbarul Miyan Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya
2. Md. Shakil Son of Late Jabbarul Miyan Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya
3. Md. Shahansha @ Shansha @ Md. Shahanso @ Md. Arman Son of Md. shakil Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya
4. Md. Subhan Son of Late Jabbarul Miyan Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya
5. Nazmin Khatoon wife of Md. Rizwan Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya
6. Farhat Perwin Daughter of Abdul Rafu @ Abdul Rauf Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya
7. Farha Naaz @ Farha Naj Daughter of Abdul Rafu @ Abdul Rauf Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya
8. Jaibun Nisha @ Ajush Nisha Wife of Md. Vaseeruddin Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya
9. Baby Tabassum wife of Md. Shahabuddin Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya
10. Asarun Parween @ Asaroon Parween wife of Md. Kais Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya
11. Md. Rizwan @ Md. Guddu Son of Md. Hafiz Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya
12. Md. Murtaza Son of Md. Bashiruddin Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya
13. Md. Shabil @ Md. Saral son of Late Jabbarul Miyan Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Rina Devi wife of Umesh Chowdhary Resident of village- Bhadeja, Ps- Muffasil, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Tabish Sharfuddin, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.



CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 09-07-2026 Despite of valid service of notice upon Respondent No. 2/Informant, no one appears on behalf of Respondent No. 2.

2. Heard Mr. Sanjay Kumar, learned counsel for the appellants as well as Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

3. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 16.12.2025 in A.B.P. Excl Spl SC/ST No. 322 of 2025 passed by the learned Special Judge, (SC/ST Act), Gaya in connection with Muffasil P.S. Case No. 47 of 2020 F.I.R. dated 09.02.2020 registered under Sections 147, 148, 341, 323, 337, 427, 504, 506, 153(A), 379 of the Indian Penal Code and Sections 3(1) (r)(s), 3(2) (v-a) of SC/ST Act.

4. There is allegation against the appellants for assaulting, snatching gold chain, abusing by caste indicative words and threatening for dire consequences.

5. Learned counsel for the appellants submits that the appellants have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the



appellants have not committed any offence as alleged in the F.I.R. From perusal of the F.I.R., it appears that due to some petty dispute, the present occurrence had taken place and there is no specific allegation of any assault or overt act is attributed against the appellants rather there is general and omnibus allegation against all the accused persons including these appellants. He further submits that co-accused persons, namely, Jamil Miyan @ Md. Gabar and others have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 01.11.2021 passed in Cr. Appeal (SJ) No. 1514 of 2021 and apart from that the allegation against the appellants that they have abused by using caste name. Learned counsel for the appellants further submits that there is no specific allegation against the appellants.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the appellants.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts that the appellants having clean antecedents and similarly situated co-accused



persons have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, (SC/ST Act), Gaya in connection with Muffasil P.S. Case No. 47 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-

(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at



any stage, it is found that the appellants have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order dated 16.12.2025 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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