

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.360 of 2026

Arising Out of PS. Case No.-46 Year-2025 Thana- SC/ST District- Supaul

Bechan sah Son of late Ayodhya Sah @ Ayodhi Sah Resident of Village-
Kalyanpur, Ward no. 3, Ps- Bhaptiyahi, Dist- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Phoolkumari @ Devi @ Fulkumari Devi wife of Surendra Rajak Resident of
Village- Kalyanpur, Ward no. 3, Ps- Bhaptiyahi, Dist- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Mishra, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special PP
For the Informant	:	Mr. Amar Nath Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-07-2026 1. Heard learned counsel for the appellant, learned
Special P.P. for the State, Mr. Sadanand Paswan 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 14.11.2025 in A.B.P. No. 1562 of 2025 passed by
the learned 1st Additional Sessions Judge-cum-Special Judge
S.C./S.T. (POA) Act, Supaul in connection with Supaul SC/ST
P.S. Case No. 46 of 2025 registered for the offences punishable
under Sections 126(2), 115(2), 109, 117(2), 74, 352 and 351(2)



of the BNS, 2023 as well as Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and the informant alleges that her husband on 09.09.2025 at 05:00 AM had gone to attend nature's call, further near the house of Shiv Narayan, her husband raised an alarm, accordingly, the informant reached the place of occurrence and saw appellant assaulting her husband by *kudal* causing injury on head and repeated the blow causing fracture of leg and abused her by taking caste name and even assaulted her causing injury on leg.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that no doubt one of the injuries on leg of the husband of the informant has been opined to be grievous, but then other injuries are opined to be simple in nature. It is next submitted that date of occurrence is 09.09.2025 and the FIR came to be instituted on 23.09.2025 i.e. after a delay of 14 days.

5. Learned Special P.P. for the State as well as the learned counsel appearing on behalf of the informant opposes



the appeal and the learned counsel appearing on behalf of the informant submits that no wife would falsely implicate an accused who is not associated with the occurrence of assault leading to injury to her husband. It is next submitted that there is some delay in instituting the FIR, but then the same cannot be considered to be fatal to the case of prosecution. It is also submitted that husband of the informant suffered three injuries and one injury on leg has been opined to be grievous. It is also submitted that even informant who is a lady was assaulted and she also suffered fracture of leg.

6. At this stage, the learned counsel appearing on behalf of the appellant seeks permission to withdraw the appeal with liberty to the appellant to surrender and seek regular bail.

7. Permission is accorded.

8. Accordingly, the instant appeal is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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