

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.553 of 2026

Arising Out of PS. Case No.-705 Year-2025 Thana- SAHARSA SADAR District- Saharsa

1. Md. Kurban Alam @ Kurban Alam @ Md. Kurban Son of Md. Mumtaz R/o Village-Saharsa Basti Ward No 29/31 P.S-Saharsa, District-Saharsa
2. Md. Nausad Alam @ Md. Naushad Son of Md. Mustkim R/o Village-Saharsa Basti Ward No 29/31 P.S-Saharsa, District-Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinod Chaudhary son of Late Baleshwar Chaudhary R/o Village-Saharsa Basti Ward No 29 P.S-Saharsa, District-Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pawan Kumar
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-07-2026 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State, Ms. Usha Kumar No. 1 and 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 10.12.2025 in A.B.P. No. 847 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saharsa in connection with Saharsa Sadar P.S. Case No. 705 of 2025 registered under Sections 126(2), 115(2), 329(3),



329(4), 352, 351(2), 351(3), 118(1), 109, 303(2), 308(3) and 3(5) of the BNS as well as Sections 3(1)(s), 3(1)(r) and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 21.06.2025 Md. Nausad at 2:00 p.m. came to his house and demanded extortion of Rs. 50,000/-, on objection, appellants abused by taking caste name and Md. Nausad assaulted his nephew (Suraj) by knife causing injury on back, while Md. Kurban threatened his family members and both took away Rs. 10,000/- and jewelry worth Rs. 50,000/-.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that appellants are neighbour and an altercation took place on account of dispute relating to passage when both side assaulted each other, it is also submitted that though it is alleged that Nausad assaulted Suraj by knife causing injury on back but then from perusal of the Annexure-2 i.e. injury report of Suraj, it would manifest that the same records lacerated wound caused by hard and blunt substance and the injury has been opined to be simple in nature.



5. Learned counsel appearing on behalf of the informant submits that he has instruction not to oppose the prayer for anticipatory bail of the appellants.

6. After hearing learned counsel for the parties, and taking into consideration the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants, above-named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, 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 in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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